AUTHORITY AND DOMINION

Volume 5

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AN ECONOMIC COMMENTARY ON EXODUS

Volume 5

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APPENDIX A

THE RECONSTRUCTION OF EGYPT'S CHRONOLOGY

And it came to pass in the four hundred and eightieth year after the children of Israel were come out of the land of Egypt, in the fourth year of Solomon's reign over Israel, in the month of Zij, which is the second month, that he began to build the house of the LORD.

I KINGS 6:1

This is an important date marker in the Bible. Without this reference and the parallel reference in First Chronicles, it would be much more difficult to establish biblical chronology. Biblical chronology is at war with the chronologies of the textbooks on ancient history. There is no escape from this war.[1]

To determine the year in which Solomon began building the temple, we must work backward from a date that we can narrow down to a two-year period: the fall of Jerusalem to Nebuchadnezzar. A widely accepted date is 586 B.C. The two other dates are 587 and 588. Most scholars choose either 586 or 587.[2] I have decided to choose 586, in deference to a seeming majority of specialized scholars.[3]

Ezekiel informs us that it was 390 years from the division of the monarchy under Rehoboam to the fall of Jerusalem. This is another crucial date marker.

> Lie thou also upon thy left side, and lay the iniquity of the house of Israel upon it: according to the number of the days that thou shalt lie upon it thou shalt bear their iniquity. For I have laid upon thee the years of their iniquity, according to the number of the days, three hundred and ninety days: so shalt thou bear the iniquity of the house of Israel (Ezek. 4:4–5).

Adding 390 to 586 gives us 976 B.C.[4] That was the last year of Solomon's reign. Maybe we could argue 977 B.C. It does not matter for this appendix. We know from two passages that Solomon ruled 40 years.[5] Adding 40 to 976, we get 1016 B.C. for the beginning of his reign. In the fourth year of his reign, he began to build the temple.

> Then Solomon began to build the house of the LORD at Jerusalem in mount Moriah, where the LORD appeared unto David his father, in the place that David had prepared in the threshingfloor of Ornan the Jebusite. And he began to build in the second day of the second month, in the fourth year of his reign (II Chron. 3:1–2).

Subtracting three years (fourth year) from 1016, we get **1013** B.C. This is the anchor date.

First Kings 6:1 is specific: the exodus took place 480 years before. Adding 480 years to 1013, we get **1493** B.C. as the date of the exodus, give or take a few years, depending on the date of the fall of Jerusalem and the dating by month of Solomon's coronation. Again, this variation matters little.

Graetz's *History of the Jews* states that Solomon's reign began around 1015 B.C.[6] Graetz believed that Solomon began construction of the temple "immediately after his succession to the throne,"[7] and that it was completed and consecrated in 1007 B.C.[8] Alfred Edersheim, the late-nineteenth-century Christian convert from Judaism, dated the beginning of construction as 1012 B.C.[9] Another late-nineteenth-century Christian commentator believed that construction began in 1010 B.C.[10]

Conservative Bible commentators in the late twentieth century

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4. Jones said it should be 975 B.C. Why? He said this: "inclusive numbering minus 1." *Idem*. My view is that if an author does not precisely explain what he is talking about—"inclusive numbering minus 1"—the reader is entitled to conclude "case not proven." Chalk it up to the reader's ignorance. If an author is not clear, his reader is entitled to his own opinion. The text says 390. I stick with the text.

5. "And the time that Solomon reigned in Jerusalem over all Israel was forty years" (I Kings 11:42). "And Solomon reigned in Jerusalem over all Israel forty years" (II Chron. 9:30).

6. Heinrich Graetz, *History of the Jews*, 6 vols. (Philadelphia: Jewish Publication Society of America, 1891), I, p. 156.

7. *Ibid.*, p. 162.

8. *Ibid.*, p. 166.

9. Alfred Edersheim, *Bible History, Old Testament*, 7 vols. (Grand Rapids, Michigan: Eerdmans, [1890]), III, p. 10: chart based on Keil's calculations.

10. "Temple," in John McClintock and James Strong (eds.), *Cyclopaedia of Biblical, Theological, and Ecclesiastical Literature*, 12 vols. (New York: Harper & Bros., 1894), X, p. 250.

revised these dates downward by about 45 years. This revision was the result of the Edwin Thiele's chronological studies of the later Hebrew kings, beginning with Rehoboam and Jeroboam, whose reigns he dates from 931.[11] Thiele was wrong.[12] The older commentators were right.[13]

A. Conservatives and Compromise

A representative summary of the dating problem is found in the *International Standard Bible Encyclopedia* (1982): "The date of the exodus is one of the most debated topics in OT studies because of the ambiguous nature of the evidence. Although the biblical texts seem to require a date early in the 15th century B.C., archeological evidence seems to point to a date in the 13th cent. B.C."[14] The author, W. H. Shea, then went on for eight two-column, small-print pages summarizing bits and pieces of conventional Egyptian chronology and archaeology. He wanted to hold to the fifteenth-century dating, but his defense was weakened because of his presuppositions concerning methodology. His methodology was based on comparative chronology and comparative archaeology. This, we are supposed to believe, is the objective, neutral scholarship we need in order to make sense out of the Bible.

He affirmed that the mid-fifteenth century is "the only date given for it in the Bible." He was wrong. The early fifteenth century is correct. But consider his reliance upon the category of pragmatism in defending the conservative view: "While it is possible that these [biblical] data could have been corrupted in transmission, the most reasonable approach to them is to examine in more detail the historical context in which they [the data] date the exodus. This biblical date for the exodus has a reciprocal relationship with the events described in exodus as related to Egyptian history. A pragmatic approach to this date suggests a period of Egyptian history that should be examined for a possible relationship to the biblical exodus, and considerable agreement of the evidence from Egyptian and biblical sources point-

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11. Edwin R. Thiele, *The Mysterious Numbers of the Hebrew Kings,* rev. ed. (Grand Rapids, Michigan: Eerdmans, 1965). Cf. Thiele, *A Chronology of the Hebrew Kings* (Grand Rapids, Michigan: Zondervan, 1977).

12. James B. Jordan, "The Mysterious Numbers of Edwin R. Thiele," *Biblical Chronology*, II (September 1990).

13. In the first edition of this book, I adopted Thiele's view. Only when I got to my commentary of First Kings did my study lead me back to the nineteenth-century view.

14. "Exodus, Date of the," *International Standard Bible Encyclopedia*, 4 vols. (Grand Rapids, Michigan: Eerdmans, 1982), II, p. 230.

ing to that period supports the accuracy of the chronological datum (480 years) from which that search started."[15] He did his best to show why a fifteenth-century date is viable, but he did not begin with the premise that this must be the case, irrespective of modern interpretations of the Egyptian evidence. He appealed to pragmatism instead.

Roland Harrison, one of the *ISBE*'s associate editors, elsewhere argued for a thirteenth-century dating. Harrison's study was based on a survey of the conclusions of the secular archaeologists, who debate endlessly about the proper dating of the various Bronze Ages (Early, Middle, and Late), a humanistic classification system based entirely on nineteenth-century evolutionary social theory.[16] He mentioned the fact that early in the twentieth century, Bible scholars accepted a late-thirteenth-century date for the exodus. In the 1920s and 1930s, excavations in Palestine, especially Jericho, convinced several archaeologists that the traditional early fifteenth-century dating is correct. But he was not convinced: "The question cannot be settled simply by an appeal to the book of Kings in the light of an arbitrary dating for the fall of Jericho."[17] Notice his subtle shift in argumentation: he tried to overcome the explicit teaching of I Kings 6:1 by means of a brief reference to doubts concerning the reliability of certain archeological excavations conducted early in the twentieth century. But I Kings 6:1 does not mention the fall of Jericho; it does specifically mention the exodus. Harrison's argument is muddled. His recommended chronology specifically rejects the testimony of I Kings 6:1. Yet this is all done in the name of Jesus. Such is the fate of ostensibly Christian scholarship which arbitrarily abandons a so-called "simple appeal" to the explicit testimony of the Bible. It is one more sign of just how much in "bondage to Egypt" twentieth-century Christian scholars became.

The conservative *New Bible Dictionary* (1962) did not even mention the possibility of a fifteenth-century date.[18] The author refused to comment on the explicit chronological framework of I Kings 6:1 in relation to the exodus. He tried to confuse the issue by bringing up the problem of possible overlapping judgeships in order to shorten

15. *Ibid.*, p. 237.

16. On this point, see R. A. McNeal, "The Legacy of Arthur Evans," *California Studies in Classical Antiquity*, VI (1973), pp. 206–20. McNeal and I were in undergraduate and graduate school together. He sent me a copy of his article. He had no idea that it would prove so useful to my work a decade later.

17. R. K. Harrison, *Introduction to the Old Testament* (Grand Rapids, Michigan: Eerdmans, 1969), p. 175.

18. *The New Bible Dictionary*, 2nd ed. (Wheaton, Illinois: Tyndale House, 1982), pp. 191–92.

the period of the judges. It is significant, however, that the author argued that the "problem" of the "long" reign of the Hebrew judges can be solved by an appeal to overlapping reigns.

> In Near Eastern works involving chronology, it is important to realize that ancient scribes did not draw up synchronistic lists as is done today. They simply listed each series of rulers and reigns separately, in succession on the papyrus or tablet. Synchronisms were to be derived from special historiographical works, not the king-lists or narratives serving other purposes. An excellent example of this is the Turin Papyrus of Kings from Egypt. It lists at great length all five Dynasties, XIII to XVII, in successive groups, totalling originally over 150 rulers and their reigns accounting for at least 450 years. However, it is known from other sources that all five Dynasties, the 150-odd rulers and 450-odd regnal years alike, must all fit inside the 234 years from c. 1786 B.C. to c. 1552 B.C.: rarely less than two series, and sometimes three series, of rulers are known to have reigned contemporaneously."[19]

This theory of overlapping dynasties, as we shall see, is the best solution to "the exodus problem" of the 480 years of I Kings 6:1, which is the real problem, not the so-called "judges problem." This theory provides a solution the overall problem of Egyptian chronology.

B. The Problem of Egyptian Chronology

In 1886, historian George Rawlinson began his chapter on Egyptian chronology with this statement:

> It is a patent fact, and one that is beginning to obtain general recognition, that the chronological element in early Egyptian history is in a state of almost hopeless obscurity."[20] There are several kinds of chronological documents, including the actual monuments. "The chronological value of these various sources of information is, however, in every case slight. The great defect of these monuments is their incompleteness. The Egyptians had no era. They drew out no chronological schemes. They cared for nothing but to know how long each incarnate god, human or bovine, had condescended to tarry on the earth. They recorded carefully the length of the life of each Apis bull, and the length of the reign of each king; but they neglected to take note of the intervals between one Apis bull and another, and omitted to distinguish the sole reign of a monarch from his joint reign with others.[21]

The chronology of Egypt has been used to "key" the chronologies

19. *Ibid.*, p. 192.
20. George Rawlinson, *A History of Egypt*, 2 vols. (New York: Alden, 1886), II, p. 1.
21. *Ibid.*, II, p. 2.

of the other ancient empires, including pre-Homeric Greece. Art historian Lewis Greenberg sounded a warning about this in a 1973 essay.

> As far back as 1897 Tsountas[22] warned scholars not to ignore "the unsettled state of Egyptian chronology" when enlisting the aid of Egyptology in dating Mycenaean products. And as recently as 1960 Cook[23] again reminded students of Greek pottery of the difficulties concerning the establishment of relative and absolute chronologies and their "reconciliation." Unfortunately, the Egyptian chronology is nowhere near as solid as the architectural wonders which are its hallmark. As a matter of fact, our knowledge of Egyptian events is extensively based upon the disjointed reports of Classical authors, damaged and incomplete written records, and chance records of astronomical phenomena. Even the latter factor has been questioned.[24]

Velikovsky cited the 1921 statement of O. G. S. Crawford[25] that "A system of relative chronology can be established by excavation in any country that has been long inhabited, but it is left hanging in the air until linked up with Egypt, whether directly or indirectly through a third region."[26] Scholars have used a supposedly reliable Egyptian chronology based on inconclusive Egyptian sources as a means of criticizing the Bible's account of the exodus and conquest of Canaan.

C. Velikovsky's Controversial Reconstruction[27]

In 1952, the brilliant and controversial Jewish scholar, Immanuel Velikovsky, published *Ages in Chaos*, the first volume of a projected series.[28] The later volumes in the series were delayed for a quarter of a century.[29] *Ages in Chaos* offered startling evidence that the accepted chronology of the ancient world is deeply flawed. Specifically, there

22. C. Tsountas and J. I. Manatt, *The Mycenaean Age* (1897), p. 317n.

23. R. M. Cook, *Greek Painted Pottery* (1960), pp. 261–70.

24. Lewis M. Greenberg, "The Lion Gate at Mycenae," *Pensée*, III (Winter 1973), pp. 26–27.

25. Crawford, *Man and His Past* (1921), p. 72.

26. Immanuel Velikovsky, "Astronomy and Chronology," *Pensée*, III (Spring/Summer 1973), p. 38. This was reprinted in *Peoples of the Sea* (Garden City, New York: Doubleday, 1977), p. 205.

27. "My work is first a reconstruction, not a theory. . . ." Immanuel Velikovsky, "My Challenge to Conventional Views in Science," *Pensée*, IV (Spring 1974), p. 10.

28. The whole series was to be called *Ages in Chaos*, with the first volume titled, *From the Exodus to King Akhnaton*. The book became so well known as *Ages in Chaos* that the real title never caught on.

29. Velikovsky, *Peoples of the Sea; Ramses II and His Time* (Garden City, New York: Doubleday, 1978). These books officially are part of the *Ages in Chaos* series. But as I said in the previous footnote, the general series' title, *Ages in Chaos*, became too closely associated with the title of the first volume, *From the Exodus to King Akhnaton*, a title which nobody except Velikovsky has ever bothered to use.

is a 500–700 year gap in conventional chronologies, a gap that never existed. Because of the centrality of Egyptian chronology, he argued, this gap is inserted into other chronologies of the ancient Near East and classical civilization. He labored long and hard to prove his case, and his researches are awesome. His reconstructed chronology has been verified (though not in the eyes of conventional historians and archaeologists) by several of his followers.[30]

1. The Velikovsky Affair

It is not appropriate to deal with the whole of Velikovsky's works in this appendix. His *Worlds in Collision* (1950) created universal outrage among astronomers. So outraged were certain astronomers at Harvard University that they put great pressure on Macmillan, the publisher, to drop the book, despite its best-selling status. This campaign began before the book had been published, and before any of the critics had read it.[31] Refuse to suppress it, they threatened, and Harvard University's astronomy department will not offer manuscripts to Macmillan's textbook publishing division. Macmillan eventually capitulated and gave the publishing rights of this best-selling book to Doubleday, a company that had no textbook publishing division.

The book eventually went out of print in the United States and remained unavailable until the mid-1960s, when the counterculture's revolution overturned most of the established tenets of every social science and several natural sciences—the era in which the myth of neutrality died on university campuses throughout the world.[32] It was republished and once again became a popular book. A short-lived semi-scholarly periodical, *Pensée*, was begun in the early 1970s to explore his theories in relation to several academic disciplines. Courses in two dozen colleges that relied on some aspects of his research were being taught in 1973, although the colleges were not major universities.[33] A series of small scholarly journals came and went.[34] Velikovsky's catastrophism and chronological work are carried on by the Society of Interdisciplinary Studies and several other Websites.

30. Cf. Israel M. Isaacson, "Applying the Revised Chronology," *Pensée*, IV (Fall 1974); Lewis M. Greenberg, "The Lion's Gate at Mycenae," *ibid.*, III (Winter 1973).

31. David Stove, "The Scientific Mafia," *Pensée*, II (May 1972), p. 6.

32. Gary North, "The Epistemological Crisis of American Universities," in North (ed.), *Foundations of Christian Scholarship: Essays in the van Til Perspective* (Vallecito, California: Ross House, 1976).

33. A list of these courses appears in *Pensée*, III (Winter 1973), pp. 37–38.

34. *Kronos* (1974–88), *Aeon* (1988–2006), *Sis Review* (1975–98), *The Velikovskian* (1978–95).

This remains a marginal effort in academia. The academic blackout on Velikovsky's work in chronology still exists.

In the early 1950s, outright lies were spread about *Worlds in Collision*, and they were repeated in major book reviews. It was a classic case of academic suppression.[35] Harlow Shapley, the Harvard astronomer who helped launch the anti-Velikovsky campaign, was still sending out letters in the late 1960s that referred to him a "fraud" and a "charlatan."[36] "The Shapleyist proscription of Velikovsky and his revolutionary astronomical concepts," Horace Kallen wrote, "extended to all who, even though doubting or questioning the concepts, did take them seriously. One such was Gordon Atwater, fellow of the Royal Astronomical Society, curator of the Planetarium, and chairman of the department of astronomy at New York's Museum of Natural History, who had read the manuscript for Macmillan. Although Atwater was skeptical of many of Velikovsky's findings, and doubted that Venus could have been ejected from Jupiter, he took the records of world-wide catastrophes in historical times to be evidential. He was dismissed from both his positions with the Museum the night before *This Week* published his review of *Worlds in Collision*, in which he urged open-mindedness toward the book. James Putnam, for 25 years with Macmillan and the editor who made the contract with Velikovsky, was immediately dismissed from that establishment."[37] Yet the book had attained number-one standing on the best-seller list nationally.

I should state at this point that I do not "believe in Velikovsky." I think we need to consider his chronological reconstruction, but I do not take seriously his astronomical explanations—or Whiston's, for that matter—of such Bible events as the parting of the Red Sea (near-collision with Venus), the manna (hydrocarbons floating down from Venus), or the halting of both sun and moon in Joshua's day (another near-collision with Venus). While there may have been astronomical events of unusual magnitude at the time—although the Bible is silent concerning them—they do not explain the historical events. The quest for naturalistic explanations here seems futile, although not necessarily illegitimate. Velikovsky did not show how Venus could have raised the sea, kept the waters high and the walkway

35. Alfred de Grazia (ed.), *The Velikovsky Affair* (New Hyde Park, New York: University Books, 1966). No major publisher would touch this scholarly analysis of the Velikovsky thesis and the protest it produced.

36. Horace Kallen, "Shapley, Velikovsky and the Scientific Spirit," *Pensée*, II (May 1973), p. 36. Reprinted in *Velikovsky Reconsidered* (New York: Warner, 1977), p. 53.

37. *Ibid.*, p. 40; *Velikovsky Reconsidered*, pp. 62–63.

dry for hours (Ex. 14:21), and then allowed the split "mountains" of water to crash down just in time to drown the Egyptians. (The evidence from mythology and literature that Velikovsky presents to buttress his case that Venus is a recent addition to the solar system seems plausible to me, but my competence to judge the scientific astronomical matters involved in such a hypothesis is non-existent.) Nevertheless, I regard Velikovsky as one of the most powerful scholars of this century, a man whose thorough command of diverse sources in half a dozen arcane scientific and linguistic disciplines bordered on genius or the occult. He is not to be ignored or dismissed lightly.

2. The Need for Reconstruction

Ages in Chaos never received the attention that *Worlds in Collision* did. It is a less comprehensive theory, limited primarily to chronology and the documentary records relating to chronology. He began with a summary of the obvious: the exodus cannot easily be placed in the dynasty of any Pharaoh whose accepted chronology matches the chronology of I Kings 6:1. The Eighteenth Dynasty, which by conventional dating occurred in the fifteenth century B.C., included pharaohs who were very powerful. The documentary record of their reigns provides no evidence of any successful rebellion of slaves. Scholars have long recognized this problem. If this date cannot be accepted, then what about the period in between the Eighteenth and Nineteenth Dynasties? No good, said Velikovsky. "Stress has also been laid on the fact that Palestine was under Egyptian rule as late as the disturbances of -1358 [1358 B.C.—G.N.], which put an end to the reign of Akhnaton. [Quoting Sir W. M. Flinders Petrie:] 'Joshua did not find any such Egyptian hold during his conquest.'... No reference has been found that could be interpreted as even hinting at an exodus during the interregnum between the Eighteenth and Nineteenth Dynasties, and only the fact that the situation was such as to make an exodus possible favors this hypothesis."[38]

> The next theory reduces the age of the Exodus further: it has for its cornerstone a stele of Merneptah, in which this king of the Nineteenth Dynasty says that Palestine "is a widow" and that "the seed of Israel is destroyed." This is regarded as the earliest mention of Israel in an Egyptian document. Merneptah did not perish in the sea, nor did he suffer a debacle; he obviously inflicted a defeat on Israel and ravaged Palestine. The

38. Immanuel Velikovsky, *Ages in Chaos* (Garden City, New York: Doubleday, 1952), p. 8.

> circumstances do not correspond with the pronounced tradition of Israel, but since it is the first mention of Israel, Merneptah is regarded by many as the Pharaoh of the Exodus (about–1220), and Ramses II, his predecessor, as the Pharaoh of the Oppression. Other scholars, however, consider the mention of Israel in Palestine in the days of Merneptah not as a corroboration, but as a refutation of the theory that Merneptah was the Pharaoh of the Exodus. They argue that if he found Israel already in Palestine, he could not have been the Pharaoh of the Exodus.
>
> A further obstacle to placing the Exodus in the reign of Merneptah has also been emphasized. If he really was the Pharaoh of the Exodus, then the Israelites must have entered Palestine at least a generation later, about–1190 to–1180; on this theory there remains only a century for the events of Judges.[39]

Velikovsky then quoted from W. F. Albright, who in turn had been cited by Petrie: "Under any chronological system which can reasonably be advanced, the date of Israel's invasion and settlement falls within the period (1500–1100 before the present era) when the country was ruled by Egypt as an essential portion of its Syrian Empire." Then Velikovsky asked some key questions. "But if this is so, how could the Israelites have left Egypt, and, having left Egypt, how could they have entered Palestine? Moreover, why do the books of Joshua and Judges, which cover four hundred years, ignore the rule of Egypt and, indeed, fail to mention Egypt at all?"[40]

These are obvious questions, but few conservative Bible commentators, with only a few major exceptions, have even hinted to their readers that such questions exist, let alone have solutions. They have remained silent because they have no answers. In fact, Velikovsky himself never did come up with a final position. When did the exodus take place? Velikovsky was never sure. What he was sure of was that either the chronology of Egypt was incorrect or the biblical account is flawed. He concluded his book with this summary: "...we still do not know which of the two histories, Egyptian or Israelite, must be readjusted. At the same time we observed how the histories of other ancient countries and peoples accord with either the Israelite or the Egyptian chronology; and how the histories of Cyprus, Mycenae, and Crete, in correlating with one side or the other, create confusion in archaeology and chronology."[41]

39. *Ibid.*, p. 9.
40. *Ibid.*, p. 11.
41. *Ibid.*, p. 338.

3. The Ipuwer Papyrus

If an event as discontinuous and comprehensive as the exodus took place, then we might expect to find references to it in Egyptian history. The absence of such a document need not automatically be assumed to be evidence against the exodus, for documents that old rarely survive, and we can also imagine that any document testifying to such a defeat of Egypt's gods would be destroyed by subsequent Egyptians. But such a document does exist. It is called the Ipuwer papyrus, also known as *The Admonitions of an Egyptian Slave*, the title selected by Alan Gardiner for his 1909 translation. It had been acquired by the Leiden Museum of the Netherlands in 1828, and it was translated and studied in the late nineteenth century. This ancient Egyptian document records a series of catastrophes that befell Egypt. Velikovsky offered fourteen pages of parallel references between this document and the account of the judgments in the Book of Exodus. There are some remarkable parallels, including the most startling, a reference to the Nile: "The river is blood" (Papyrus 2:10).[42]

The Ipuwer document goes on to say: "Nay, but gold and lapiz lazuli, silver and turquoise... are hung around the necks of slavegirls. But noble ladies walk through the land, and mistresses of houses say: 'Would that we had something we might eat.'"[43] I am strongly inclined to agree with Courville and Velikovsky: this document was the product of the exodus. But even if it wasn't, it presents a picture of the shock to the Egyptian mind that such an event must have produced.[44] The gods of Egypt had been laid low; the order of the universe, which had been guaranteed by Pharaoh, had been overturned.

This document is one of the most important pieces of evidence used by Velikovsky in his reconstruction of Egyptian chronology. It offers evidence of a major discontinuity in the static order of Egypt, a break that deeply affected the writer.[45] Here is a side-by-side compar-

42. *Ibid*., p. 26.

43. Cited by Henri Frankfort, *Ancient Egyptian Religion* (New York: Harper Torchbook, [1948] 1961), p. 85. Ipuwer's poem is reproduced by Adolph Erman, *The Literature of the Ancient Egyptians*, trans. A. M. Blackman (New York: Dutton, 1927), pp. 94ff.

44. The focus of the poem is "the world turned upside down," in effect. The sage complains that slaves and poor people who formerly had nothing are now rich, while the formerly rich are now poor. The slave girls do not appear to have left the nation in a massive exodus. They remain in the land, with the jewels. If this poem is a product of the Hyksos invasion, it indicates that some wealth was still left to the upper-class Egyptians, since they must have had items of value that were later confiscated by poorer people.

45. Velikovsky, *Ages in Chaos*, pp. 22–39.

ison produced by Velikovsky in 1973.[46]

D. SOME PARALLEL TEXTS

Exodus 7:21 . . . there was blood throughout all the land of Egypt.	**Papyrus 2:5–6** Plague is throughout the land. Blood is everywhere.
Exodus 7:20 . . . all the waters that were in the river were turned to blood.	**Papyrus 2:10** The river is blood.
Exodus 7:24 And all the Egyptians digged round about the river for water to drink; for they could not drink of the water of the river.	**Papyrus 2:10** Men shrank from tasting human beings, and thirst after water.
Exodus 7:21 . . . and the river stank.	**Papyrus 3:10–13** That is our water! That is our happiness! What shall we do in respect thereof? All is ruin!
Exodus 9:25 . . . and the hail smote every herb of the field, and brake every tree of the field.	**Papyrus 4:14** Trees are destroyed. **Papyrus 6:1** No fruit nor herbs are found . . .
Exodus 9:23–24 . . . the fire ran along the ground . . . there was hail, and fire mingled with the hail, very grievous.	**Papyrus 2:10** Forsooth, gates, columns and walls are consumed by fire.
Exodus 7:21 And the fish that was in the river died.	**Papyrus 10:3–6** Lower Egypt weeps . . . The entire palace is without revenues. To it belong (by right) wheat and barley, geese and fish.
Exodus 10:15 . . . there remained not any green thing in the trees, or in the herbs of the fields, through all the land of Egypt.	**Papyrus 6:3** Forsooth, grain has perished on every side. **Papyrus 5:12** Forsooth, that has perished which yesterday was seen. The land is left over to its weariness like the cutting of flax.
Exodus 9:3 . . . the hand of the Lord is upon thy cattle which is in the field . . . there shall be a very grievous murrain.	**Papyrus 5:5** All animals, their hearts weep. Cattle moan . . .

46. Velikovsky, "A Reply to Stiebing," *Pensée*, IV (Winter 1973–74), p. 39.

Exodus 9:19 . . . gather thy cattle, and all that thou hast in the field. **Exodus 9:21** And he that regarded not the word of the Lord left his servants and his cattle in the field.	**Papyrus 9:2–3** Behold, cattle are left to stray, and there is none to gather them together. Each man fetches for himself those that are branded with his name.
Exodus 10:22 . . . and there was a thick darkness in all the land of Egypt.	**Papyrus 9:11** The land is not light . . .
Exodus 12:29 And it came to pass, that at midnight the Lord smote all the firstborn in the land of Egypt, from the firstborn of Pharaoh that sat on his throne unto the firstborn of the captive that was in the dungeon.	**Papyrus 5:3; 5:6** Forsooth, the children of princes are dashed against the walls. **Papyrus 6:12** Forsooth, the children of princes are cast out in the streets.
Exodus 12:30 . . . there was not a house where there was not one dead.	**Papyrus 2:13** He who places his brother in the ground is everywhere.
Exodus 12:30 . . . there was a great cry in Egypt.	**Papyrus 3:14** It is groaning that is throughout the land, mingled with lamentations.
Exodus 13:21 . . . by day in a pillar of a cloud, to lead them the way; and by night in a pillar of fire, to give them light; to go by day and night.	**Papyrus 7:1** Behold, the fire has mounted up on high. Its burning goes forth against the enemies of the land.
From the King James Version	*From A. Gardiner's translation of the Leiden Papyrus. He did not observe the similarities.*

When was the Ipuwer document written? The Egyptologists disagree. Some historians believe that it was written in the period between the Old and the Middle Kingdoms, while Gardiner believed, as Velikovsky also believed, that it was a document from the Hyksos era, at the end of the Middle Kingdom, meaning at the end of the Thirteenth Dynasty.[47] Non-"Velikovskyite" John Van Seeters agreed.[48] Both eras were transitional eras marked by great disruptions.

47. Velikovsky, *Ages in Chaos*, pp. 49–50.

48. John Van Seeters, "A Date for the 'Admonitions,'" *The Journal of Egyptian Archaeology*, L (1964), pp. 13–23. Predictably, he omitted any reference to Velikovsky. Cf. *Pensée*, III (Winter 1973), pp. 36–37.

Is it proper here to use the word "both"? The conventional chronologies of Egypt assume the existence of two great periods of political and economic chaos in Egypt's early history, one immediately following the Sixth Dynasty, supposedly beginning about 2150 B.C. (late Early Bronze Age) and lasting for perhaps a century,[49] and the second period, called the Hyksos period, beginning at the end of the Thirteenth Dynasty (or possibly the Fourteenth), also lasting for at least a century, 1670–1570 B.C.[50] Courville believed that these two chaotic periods were actually the same period: the era of Amalekite domination, which immediately followed the exodus, i.e., after 1493 B.C. Problem: he estimated the Hyksos rule as lasting 430 years, from the exodus almost to the reign of Solomon.[51] This is a very long estimate.

Could there have been an earlier period of political catastrophe? Could Courville's telescoping of two sets of records into one era be incorrect? We know that the pyramid-building age ended before Moses' day, and probably before Joseph's day. There had been a period of feudalism prior to Sesostris III, who Courville believed was the Pharaoh of the oppression. It is easy to imagine some sort of national political disruption that had broken the power of the pyramid pharaohs. Why not two catastrophic periods? The main reason why not: the Early Bronze Age identification of the Ipuwer Papyrus. This seems to be the period of the exodus.

Another major problem for Courville's thesis is that Ipuwer, who lived in the Sixth Dynasty, addressed his lament to Pepi II. Courville argued that the Sixth Dynasty, the Twelfth Dynasty, and the Thirteenth Dynasty all overlapped, because the kings associated with these "dynasties" often were not pharaohs, but were only officials. Thus, we really should not think of these parallel groupings as dynasties. Courville argues that Pepi II was the last significant king of the Sixth Dynasty, whose personal reign was remarkably long and therefore had to stretch into the era of the Hyksos.[52] He had to conclude this because conventional historians believe that the evidence from Manetho and the Turin Papyrus indicates that Pepi II reigned from age six to age 100, making him the longest-lived ruler in Egyptian

49. Siegfried Schwantes, *A Short History of the Ancient Near East* (Grand Rapids, Michigan: Baker Book House, 1965), p. 67.

50. *Ibid.*, p. 76. Some Egyptologists believe this era lasted two centuries or more.

51. Donovan Courville, *The Exodus Problem and Its Ramifications*, 2 vols. (Loma Linda, California: Challenge Books, 1971), I, p. 124.

52. *Ibid.*, I, p. 225.

history.[53] If the Sixth Dynasty overlapped the Twelfth and Thirteenth Dynasties, then Pepi II's reign must have extended into the Hyksos era, since Ipuwer addressed his poem or lament to Pepi II. Therefore, Courville had to conclude that this king, the son of a very powerful ruler whose monuments are found all over Egypt,[54] was not the Pharaoh of the exodus, or even a Pharaoh at all. This is a major problem with Courville's reconstruction. Could this powerful man have been a subordinate ruler during the reign of a weak Pharaoh, Koncharis, whose reign ended in the Red Sea? This is another reason why I am not yet fully convinced by Courville's arguments. There may be some other way to unscramble the contradictions of Egyptian chronology. Nevertheless, there is much to be said for his thesis, despite some important problems. Courville's thesis is the place where any self-consciously Christian (i.e., anti-evolutionary) Egyptologist should begin his investigations.

E. Courville's Reconstruction: Overlapping Reigns

Courville was not a well-organized writer. His two-volume work, *The Exodus Problem and Its Ramifications*, is exasperating. Its index is atrocious, its footnotes are difficult to master, it does not stick to a clear-cut chronological development from the front of the book to the rear, it makes continual references to obscure documents, and it never really summarizes the thesis. As editor of *The Journal of Christian Reconstruction*, I asked him to produce a summary essay of his thesis for the journal. He submitted an initial manuscript which was barely more organized than his book, but he graciously consented to rewrite it to my specifications, and the result is a good introduction to his research.

1. The Conservatives' Dilemma

The exodus, he pointed out, is the first event in Egyptian history for which there is a chronologically detailed parallel in Hebrew history.[55] Because of the similarity of names, the Rameses of Exodus 1:11 was linked initially to Rameses II, listed by the pre-Christian Egyptian historian Manetho. This later Rameses was part of the Nineteenth

53. James Henry Breasted, *A History of the Ancient Egyptians* (New York: Scribner's, 1908), pp. 127–28.

54. *Ibid.*, p. 119.

55. Donovan A. Courville, "A Biblical Reconstruction of Egypt's Chronology," *The Journal of Christian Reconstruction*, II (Summer 1975), p. 131.

Dynasty of Egypt, which is now conventionally dated 1350–1200 B.C. Rameses II has been assigned dates as late as 1292–1226.[56] Either date makes the reign of Ramses II too late a date for the exodus, according to I Kings 6:1. Courville dated his reign centuries later yet.

Many conservative scholars therefore switched to the early Eighteenth Dynasty kings. But these were powerful kings, and their tombs and mummies still exist. Furthermore, no king named Rameses is known to be of this dynasty. The kings of this dynasty reigned in Thebes, far south of the Delta region. The Delta region is believed to be the area of the ruins of Pithom and Pi-Rameses, of which Exodus speaks, and the Israelites were enslaved near the king's palace (Ex. 1:15–16). The Pharaoh was close by during all the plagues, indicating that the Delta was his full-time residence area.[57] Courville wrote:

> Both the 18th and 19th dynasty settings suffer from the discovery of the mummies of the pharaohs nominated as the pharaoh of the Exodus. It is thus necessary to either deny the death of the Exodus pharaoh in the Red Sea debacle, which view is contradictory to Psalms 136:15, or to assume that the body was recovered and returned to Egypt for burial. This latter explanation is contradictory to Exodus 15:5. Since the king, above all others in the army, would certainly wear armor, he would be among the first to find his final resting place at the bottom of the sea.
>
> Even more traumatic to the 18th dynasty placement of the Exodus is the failure of the Egyptian inscriptions even to suggest that there was any significant crisis in Egypt at this time. The power and prosperity to which Egypt was elevated in the reign of Thutmose III continued unabated into the reign of Amenhotep II. The attempts to defend this placement of the Exodus have overlooked one important factor—a factor which, standing alone, is adequate to negate this theory as far as meriting serious consideration. This is the well-recognized fact that it would have required far less than the situation described in Scripture to have resulted in a rapid and easy rebellion on the part of the tribute-paying peoples. There would certainly have resulted a complete loss of any empire that Egypt may have controlled at the time.
>
> The empire of Thutmose III extended to the widest limits in all of Egyptian history. All the evidence points to the total absence of any such crisis at the death of Thutmose III. . . .[58]

The opponents of an infallible Bible have recognized these problems, and they have forced baffled conservative commentators to reduce the significance of the exodus to an event "of more manageable

56. *Ibid.*, p. 132.
57. *Ibid.*, p. 133.
58. *Ibid.*, pp. 133–34.

proportions."[59] In short, conservative Christian historians have been forced by their own chronological presuppositions to retreat from the exodus as an event of God's massive judgment—an event that God Himself said would be a warning and a testimony to the whole world (Ex. 9:16). Courville cited E. Eric Peet: ". . . if the numbers of the [Hebrew] emigrants were nearly 2,000,000, which is a legitimate deduction from Ex. 12:37, the movement was one which would have shaken Egypt to its very foundations, and which, even if it had failed to be recorded in one of the numerous monuments which have survived in Egypt, would at any rate have left some unmistakable impression in Egyptian history."[60]

Though Courville did not use the following metaphor, it is clear to me that the conservative defenders of the Bible are as trapped in the chains of Egyptian chronology as the Israelites were trapped by Pharaoh's taskmasters. They, too, are afraid to depart from Egypt, with its leeks, onions, and tenured teaching positions, for the wilderness of an unknown chronology seems too great for them.

Courville is the closest thing to a Moses of biblical chronology that my generation has seen. Rather than making Israel's history the reference point for the chronologies of the ancient world, humanist scholars have clung to the unquestionably defective chronology of Egypt, a society that rejected the very idea of linear time and meaning for history. They will not subject themselves to the authority of God or His Bible; they prefer the bondage of Egypt. So do most Christian scholars, who are fearful of alienating their methodological masters. But Courville, a retired Ph.D. in chemistry, had nothing to lose. He and Velikovsky, like Moses and Aaron, marched into the camp of the enemy to challenge the priests of their generation. Courville was armed initially only with the "rod" of I Kings 6:1, but it has repeatedly swallowed the chronological snakes of the new Egyptian magicians.

2. The Basis of His Reconstruction

Courville's two-volume reconstruction is incredibly detailed, and it would be beneficial for scholars to study it carefully. But for this appendix, it is only necessary to reprint his two tables that compare the conventional chronology of the dynasties, which are assumed to be consecutive, with his reconstruction which argues that documents

59. *Ibid.*, p. 135.

60. *Idem*. Peet, *Egypt and the Old Testament* (1924), pp. 105–6.

that describe Egyptian history describe overlapping reigns and overlapping dynasties. Whole segments of Egyptian history are "counted twice," in other words. The conventional numbering of the dynasties is therefore meaningless, though he retains the conventional numbers for the purpose of making chronological comparisons.

Notice, for example (see the following two pages), that Dynasty XIX was short-lived and was a mere offshoot of Dynasty XVIII. It ended before Dynasty XVIII did. We are now back to the observation made by the contributor to the New Bible Dictionary:

> In Near Eastern works involving chronology, it is important to realize that ancient scribes did not draw up synchronistic lists as is done today. They simply listed each series of rulers and reigns separately, in succession on the papyrus or tablet. Synchronisms were to be derived from special historiographical works, not the king-lists or narratives serving other purposes. An excellent example of this is the Turin Papyrus of Kings from Egypt. It lists at great length all five Dynasties XIII to XVII in successive groups, totalling originally over 150 rulers and their reigns accounting for at least 450 years. However, it is known from other sources that all five Dynasties, the 150-odd rulers and 450-odd regnal years alike, must all fit inside the 234 years from c. 1786 to c. 1552 B.C.: rarely less than two series, and sometimes three series, of rulers are known to have reigned contemporaneously.[61]

Courville claimed that his reconstruction provides solutions to over one hundred chronological problems that now bedevil conservative Old Testament scholars.[62] "By the reconstruction, the exodus incident is set at the point of the Hyksos invasion of Egypt. This setting explains the enigmatic statement of Josephus[63] to the effect that the Hyksos were able to take over Egypt without a battle. Egypt had been beaten to her knees by the disasters resulting from the plagues. The slaves were gone, the army was gone, the king was gone, and there was not even an heir apparent to take over the control."[64]

Courville offered a comprehensive comparison of the conventional dates of Old Testament history and his reconstructed chronology. It should be used as a guide to both his book and the work of Velikovsky.

One of the more convincing arguments used by Courville to defend his thesis of a single period of political disintegration relates the destruction of Canaan to the chronology of Egypt. The archaeology of

61. *New Bible Dictionary*, op. cit., p. 192.
62. "Biblical Reconstruction," p. 143.
63. Josephus, *Against Apion*, Bk. I, paragraph 14.
64. Courville, "Biblical Reconstruction," p. 144.

Table I
EGYPTIAN CHRONOLOGY
Traditional

Dynasties by Number	**Dates and Notes**	
I		There are no dates of general agreement. Dates are assigned by individual scholars as each sees best. Some continue to recognize beginnings from 3400 B.C., others from 2850–2800 B.C. The period for the first eleven dynasties ends with the year 1991 B.C., regarded as astronomically fixed.
XI		
XII	1991–1788	
XIII	1788–1688	
XV with XVI + XIV	1688–1588	XV and XVI are Hyksos dynasties. XIV is a native line under Hyksos.
XVII	1588–?	
XVIII	1580–1350	
XIX	1350–1200	
XX	1200–1090	
XXI	1090–950	
XXII	950–750	
XXIII	750–718	
XXIV	718–712	
XXV	712–663	
XXV	663–525	

(reprinted from The Journal of Christian Reconstruction, op. cit. pp. 140.)

Table II
EGYPTIAN CHRONOLOGY
Reconstruction

Dynasties by Number	Dates and Notes	
I	*c.* 2125–1880	III is parallel to late I starting about one century later than I.
IV	*c.* 1880–1780	First half of II is parallel with IV.
V	*c.* 1780–1640	Last half of II is parallel with V.
XII	1692–1480	II and V extend briefly into the era of XII. VI is parallel with XII but starts about 75 years later and extends about 75 years past the end of XII. XIII is composed of subrulers and officials under XII.
XVI	1445–1028	XVI is Hyksos, ruling parallel with XV, also Hyksos. XIV, VII to X were local dynasties ruling by permission of the Hyksos. XVII was composed of the kings during the war of liberation.
XVIII	1028–700	The dates are for the recomposed XVIII. XIX is but a brief offshoot from XVIII dated 840–790 B.C. XXIII is a line of usurper kings ruling locally, 776–730 B.C. XX overlaps late XVIII as recomposed and was fragmented after the rule of Rameses III.
XXI	710–?	The fragmented rule of XX was in competition with XXI, composed itself of a dual line of High Priests ruling from Thebes, the other at Tanis. Dynasty XXI soon took over the fragments of XX. XXII was Assyrian and competed for control with XXIV, XXV and early XXVI.
XXVI	663–525	XXIII to XXVI retain the dates as traditionally held.

(reprinted from The Journal of Christian Reconstruction, op. cit. pp. 141.)

Canaan indicates a universal transformation of the various city-states in the *late Early Bronze* period, or about the twenty-first century, B.C., according to conventional chronology. This conventional chronology is erroneously dated, Courville argued; the date of the Early Bronze age should be placed in the mid-fifteenth century, B.C. He discussed this in chapter VI of Volume I. There is a correspondence, Courville argued, of archaeological evidence: the end of the Old Kingdom, and therefore the beginning of the "first" period of disruption, came in *this same late Early Bronze* age, according to conventional chronologies of Egypt. Therefore, he concluded, the period after the exodus is *the sole period of disruption*.

I have already mentioned a difficulty with this argument. The pharaohs of what scholars have called the Sixth Dynasty, especially Pepi I, were powerful kings, according to Egyptian archaeological evidence. Courville had to argue that these Sixth Dynasty kings were actually subordinate officials under the rule of what scholars have called the Twelfth Dynasty pharaohs—Sesostris I, Sesostris III, Amenemhet III, etc.—and he also argued that the Thirteenth Dynasty parallelled the Twelfth. In fact, he argued that the Sixth Dynasty kings actually survived as subordinate rulers under the Amalekites (Hyksos).[65] That such powerful kings were subordinates who survived the fall of two dynasties, and even the fall of Egypt, is difficult to imagine. We need generations of well-trained Egyptologists and Palestine archaeologists to examine these issues, but without operating *a priori* in terms of the conventional chronologies, and without the evolutionary assumptions that undergird the "Bronze Age-Iron Age" classification system.

F. The Invasion of Canaan

Stan Vaninger wrote a follow-up to Courville's reconstruction. He surveyed the evidence, as of 1980, concerning Canaanite archaeology. The dating of numerous "digs"—the holes in the ground that constitute the humanist world's favorite refutations of biblical history—points to a tremendous disruption in the late Early Bronze Age. In city after city, there are signs of burning and destruction, indicating an invasion of the region by a militarily powerful outside army. The conventional dating of this period is 2300 to 2200 B.C. Thus, the scholars continue to point to this disruption as having taken place at

65. Courville, *Exodus Problem*, 1, pp. 225–26.

least seven centuries before the earliest date possible for the exodus. Furthermore, there is no archaeological evidence of any disruption in the fifteenth century through the thirteenth century, B.C., the conventional dates of the exodus. Thus, the scholars have concluded, the events described in the Book of Joshua as being a momentous victory for the Hebrews are obviously exaggerated. The invasion was a slow process, with the Hebrews being steadily assimilated by the existing Canaanite cultures. This story is given for Jericho, Ai, and Gilgal.[66] Archaeologist Kathleen Kenyon, who did the major work on Jericho, summarized the evidence: "The final end of the Early Bronze Age civilization came with catastrophic completeness. The last of the Early Bronze Age walls of Jericho was built in a hurry, using old and broken bricks, and was probably not completed when it was destroyed by fire... all the finds show that there was an absolute break, and that a new people took the place of the earlier inhabitants. Every town in Palestine that has so far been investigated shows this same break."[67]

Even more revealing is a 1983 article in the conventional quasi-scholarly journal, *Biblical Archaeology Review*: "The Mysterious MBI [Early Middle Bronze Age] People." This period is dated by the author from 2200 B.C. to 2000 B.C. Who were these people? The author, Rudolph Cohen, speculated: "I would suggest that they were a people who migrated slowly, from the south or southwest, into the Central Negev of Palestine. I would further suggest that the dim, historical memory of their journey powerfully influenced the Biblical author who described Israel's entry into Canaan. In fact, these MBI people may be the Israelites whose famous journey from Egypt to Canaan is called the exodus."[68]

> It is interesting, however, to note that this migratory drift, as I have reconstructed it, bears a striking similarity to that of the Israelites' flight from Egypt to the Promised Land, as recorded in the book of Exodus. ... The establishment of the MBI settlements directly over the ruins of the EBII EBIII sites in the Central Negev is consistent with the tradition that the Israelites dwelled in the area previously inhabited by their Amalekite foes (Deuteronomy 25:17–19). The northeastward migration of the MBI population into Transjordan has parallels in the Biblical recollection

66. Stan F. Vaninger, "Historical Revisionism: Archaeology and the Conquest of Canaan," *The Journal of Christian Reconstruction*, VII (Summer 1980), pp. 123–24, 128.

67. Kenyon, *Archaeology in the Holy Land* (New York: Praeger, 1960), p. 134; cited by Vaninger, *ibid*., p. 120. He referred to similar statements by G. Ernest Wright and William Dever: p. 120n.

68. Rudolph Cohen, "The Mysterious MBI People," *Biblical Archaeology Review*, IX (July/August 1983), p. 16.

> that the Israelites remained in Moab before crossing the Jordan River and laying siege to Jericho (Deuteronomy 3:29). In this connection, it is interesting to note that Early Bronze Age Jericho was destroyed by a violent conflagration, and the site was thinly reoccupied by MBI newcomers, who were apparently unaccustomed to urban dwellings.
>
> In the central and northern parts of Israel, the EBIII urban culture flourished. The MBI invaders in the south overwhelmed this urban Canaanite civilization and destroyed their cities but thereafter persisted in a semi-nomadic way of life. This bears a striking similarity to the tradition of Joshua's devastating campaign against the Canaanite centers in central Palestine and his ban on rebuilding some of them (e.g., Joshua 8:28). Both Jericho and Ai were fortified cities at the end of the Early Bronze Age. According to the Biblical account, they were both destroyed by the Israelites; God specifically instructed that these cities should not be rebuilt. Interestingly enough, after the EBIII destruction of Jericho and Ai, both cities lay in ruins for hundreds of years.[69]

He stated that scholars agree that the pottery and other aspects of their culture differ significantly from what went before. These new people were not primarily urban, as their predecessors and followers (2000 to 1550 B.C.) were. It was William F. Albright, the author reminded us, who concluded that the pottery of these people resembled more closely the Middle Bronze Age people who followed them than the pottery of those who preceded them.[70]

This is not surprising to those who understand that these MBI people were the invading Israelites, and the MBII people were their more urban descendants. Conventional scholars refuse to acknowledge that the solution to these enigmas is found in the reconstructed chronology of Velikovsky and Courville. The conventional chronology has inserted an extra seven centuries into the record. What took place in the fifteenth century before Christ in Egypt and Canaan took place in the late Early Bronze Age (EBIII) era or early Middle Bronze (MBI).

All Cohen could do was to appeal to the memory of these MBI people in the mind of the writer of the biblical account.

> The migration of the MBI population from the southwest and their conquest of the Early Bronze civilization evidently made a very deep impression, and the memory of these events was preserved from one generation to the next. The late Yohanon Aharoni made a similar suggestion when he noted that the Biblical tradition concerning the destruction of the two Canaanite cities Arad and Horma could not be placed, archaeologically

69. *Ibid.*, p. 28.
70. *Ibid.*, p. 18.

> speaking, in the Late Bronze/ Early Iron Age (there were no cities there then)—although this is the period to which the arrival of the Hebrews is normally ascribed—but had remarkable parallels in MBII, when these two strategic outposts in the BeerSheva basin guarded the country's southern approaches. (Aharoni identified Biblical Arad with MBII Tel Malhata and Horma with MBII Tel Masos.) He maintained that the recollection of these two important sites was perpetuated among the local populace and appeared in the Biblical saga of the conquest. The similarity between the course of the MBI migration and the route of the exodus seems too close to be coincidental, and a comparable process may have operated here. The Late Bronze Age (1550–1200 B.C.)—the period usually associated with the Israelites' flight from Egypt—is archaeologically unattested in the Kadesh-Barnea area (as elsewhere in the Central Negev, for that matter), but MBI remains abound and seem to provide a concrete background for the traditions of settlement.[71]

G. Egypt and Crete

We would be wise to understand how modern archaeologists operate, and the extent to which they are tied to Egypt's chronology by way of Charles Darwin. I have discussed the origin of the labyrinth design in Chapter 2 and in Appendix C. The link between Egypt's labyrinth and Crete's is recognized by informed archaeologists. Sir Arthur Evans excavated the "palace" of Minos from about 1902 to 1930. He was an evolutionist. He used the evolutionary speculations of anthropologists Edward Tylor and Lewis Morgan (as did Frederick Engels) to provide a stage theory of historic development. Both of these scholars became prominent in the 1870s.

This stage theory—savagery, barbarism, and civilization—was first developed in the early nineteenth century by Swedish scholar Sven Nilsson, who wrote in the 1830s.[72] But where did Nilsson get the idea? From Danish scholar Christian Thomson.[73] Thomson came up with the idea of the division of ages by construction materials—stone, bronze, and iron. In 1816, he had been given the difficult task of sorting out huge quantities of artifacts possessed by the Royal Commission for the Preservation and Collection of Antiquities. This collection was jumbled together. What came first? He thought about it for three years, and then came up with the Stone Age, Bronze Age, Iron Age classification. There were few references to iron implements, he knew,

71. *Ibid.*, p. 29.

72. R. A. McNeal, "The Legacy of Arthur Evans," *California Studies in Classical Antiquity*, VI (1973), p. 207.

73. *Ibid.*, p. 208.

prior to 800 B.C. Copper and bronze were mentioned much earlier. So, the bronze age must have come later. Common sense told him that the stone age was earliest of all. The first scholars outside Denmark who accepted this classification scheme were the Swedes and Germans. At mid-century, British scholars still refused to accept it. A decade later, after Darwin's *Origin of Species*, the idea spread rapidly.[74]

Evans used this assumption of cultural evolution—from primitive to complex, from Bronze Age to Iron Age, from savagery to civilization—to explain the "palace." R. A. McNeal was forthright: ". . . I have said, in effect, that he went out to the hill of Knossos with certain ideas in his head, and that he excavated the site in the light of his previous intellectual commitments. In other words, the objects as they came out of the ground were compelled (by force if necessary!) to fit Evans' prior ideas."[75]

> By now Evans had made two very important assumptions, first that the civilization of the Cretan Bronze Age was a discreet [typo: he meant discrete—G.N.] entity, and second that it could be considered in terms of youth, maturity, and old age. Thus far little has been said about the artifacts, and one may wonder whether they have not become lost in the metaphorical shuffle. The point is, that Evans fitted the artifacts to his particular organic model of reality, and the way in which he did so was perfectly ingenious. Faced with the necessity of forging a link between the guiding abstraction and the artifacts which could be apprehended empirically, he wove into his synthesis another set of ideas, this time concerned with the nature of Minoan art. Evans looked at the artifacts and divided them into three classes corresponding to the tripartite scheme which he already had in mind. . . . In this way Evans connected the biological metaphor with the archaeological artifacts which he pulled from the ground. The result was a sequence, a relative chronology.[76]

He then divided the types of pottery into a scheme: Stone Age; Minoan: Early Minoan, Middle Minoan, Late Minoan; and Iron Age. He did the same with art. As he excavated, the stratigraphic evidence was lost.[77] McNeal refused to say that this was deliberate, or that Evans falsified the record. Others have cast doubt on Evans' handling of the evidence and his creativity in reconstructing the "palace," especially the paintings.[78] As McNeal said of the early archaeologists, "In

74. Barry Fell, *Saga America* (New York: Times Books, 1974), pp. 29–30, 43–44.

75. McNeal, *op. cit.*, p. 209.

76. *Ibid.*, pp. 216–17.

77. *Ibid.*, p. 218.

78. Hans Georg Wunderlich, *The Secret of Crete* (New York: Macmillan, 1974), pp. 79–82.

their rush to construct elaborate evolutionary sequences, they tended to forget the strata. Or, to put the matter another way, there was a regrettable habit of interpreting the strata in terms of sequences previously constructed on solely evolutionary criteria."[79]

> This practice probably arose from the mistaken idea, already noted, that pottery types could be stacked end-to-end like railroad cars. We know now that pottery does not go in and out of existence in just this way. A new style does not necessarily begin where another leaves off. Evans thought that only one style marked a given period. But quite apart from the existence of gradual transitions between different styles, we find totally different types in simultaneous use. Since potters are both conservative and progressive, old styles can be retained long after new ones are in vogue. There is thus a definite danger of refining the relative sequence too much and of marking off stages where no stages ever existed.[80]

Cottrell, however, praised Evans for his attention to pottery and the finely drawn divisions he makes between styles.[81] In this regard, something else needs to be noted: *the dominance of the presumed chronology of Egypt*. Cottrell wrote of this achievement, and he used italics to emphasize the point: "Evans' achievement was to mark off the *three great periods of Minoan civilization which could be correlated with the three great periods of Egyptian civilization*—the Old Kingdom, the Middle Empire and the New Empire."[82] He immediately cited Evans' own *Palace of Minos* to show that Evans recognized that this was precisely what he had "proven."

Here is the great irony. Evans did not recognize that the "palace" was not a palace, but was a labyrinth structure for the Cretan cult of the dead. Refusing to recognize that the mummy-preserving air vents were not "indoor plumbing outlets," and maintaining that sarcophagi were "bathtubs," he then argued that this "high technology" civilization was unique, with no previous origins in Greek culture, and one that disappeared almost overnight. After all, no subsequent civilization possessed such high technology. He offered several possible explanations for the disappearance of this unique civilization, such as an earthquake, but geologist Wunderlich showed that the geological evidence indicates that this explanation is highly unlikely, and so are his other explanations.[83]

79. McNeal, p. 219.
80. *Idem*.
81. Leonard Cottrell, *The Bull of Minos* (New York: Rinehart, 1958), pp. 138–39.
82. *Ibid*., p. 139.
83. Wunderlich, *Secret of Crete*, ch. 11.

Evans tried for decades to decipher the "Minoan" language, and failed because he refused to see that it was related closely to Greek. He literally invented a civilization, "Minoan," where no independent civilization ever existed. In short, Evans didn't have any idea of what he was doing. And then, just to make things complete, he imported the erroneous three-kingdom Egyptian classification scheme used by modern Egyptologists to explain Egyptian history, and thereby helped to "prove" his three-stage theory of "Minoan" history. Such is the fate of those who adopt a cultural version of the paradigm of evolution.

Conclusion

The testimony of the Bible is clear: 480 years before Solomon began to construct the temple, Moses led the Hebrews out of Egypt. The archaeological evidence points to a late Early Bronze Age/Middle Bronze Age conquest of Canaan by a people who invaded from the southwest. The problem for conventional archaeologists and historians is that their dating of the Bronze Age places the archaeological evidence much earlier than fifteenth-century Egypt and therefore fifteenth-century Mediterranean civilization (which is keyed to Egypt).

The Bible is correct; the conventional scholars are incorrect. They have used the flawed chronological reconstruction of Egypt's history to govern their dating of the metallic ages. They have refused to go to the Bible for their chronological keying device. Instead, they use a mistaken chronology keyed to Egypt. It is therefore time for Christian scholars to abandon Egypt at last, and to head for the Promised Land, even if they must wander in the academic wilderness for a generation or two

APPENDIX B

THE DEMOGRAPHICS OF DECLINE

> *Thou shalt be blessed above all people: there shall not be male or female barren among you, or among your cattle.*
>
> DEUTERONOMY 7:14

Population stagnation, prior to the fulfilling of the dominion covenant, is a curse. The curse aspect of population stagnation is recognized in almost all societies except the modern humanistic West. As British economist P. T. Bauer pointed out, the word "barren" is universally recognized as unfavorable."[1] *Population stagnation is a restriction on the ability of men to fulfill the terms of the dominion covenant*. Christians should not accept the reigning presuppositions of the humanist intellectuals regarding the supposed evils of rapid population growth. If the society in which such growth is taking place is God-fearing and biblical law-honoring, population growth is a sign of God's favor and should be regarded as *confirmation of God's covenant*. It is a blessing.

In contrast to the biblical view of population growth is the message of a fund-raising letter sent out by the lobbying organization, Zero Population Growth, and signed by biologist Paul Ehrlich, author of the best-selling book, *The Population Bomb*. His letter blamed the social evils of our era on population growth. "To name just a few of these dilemmas: food shortages, polluted air, oil shortages, depleted energy supplies, lowered standards of education, escalating crime rates, excessive bureaucracy, economic instability, housing shortages, and inadequate health care. There is one basic condition that contrib-

1. P. T. Bauer, *Equality, the Third World and Economic Delusion* (Cambridge, Massachusetts: Harvard University Press, 1981), p. 62.

utes to all these predicaments. It's this: We're overpopulated."[2]

The assumption of Western intellectuals concerning demographics is that population growth threatens per capita income. "More mouths to feed" means more starvation. But this assumption is not correct. It is not the number of mouths to feed that is significant economically; rather, it is the *productivity* available to feed those mouths. This was a continuing theme in Bauer's books. He wrote:

> Rapid population growth has not been an obstacle to sustained economic advance either in the Third World or in the West. Between the 1890s and 1930s the sparsely populated area of Malaysia, with hamlets and fishing villages, was transformed into a country with large cities, extensive agricultural and mining operations and extensive commerce. The population rose from about one and a half to about six million; the number of Malays increased from about one to about two and a half million. The much larger population had much higher material standards and lived longer than the small population of the 1890s. Since the 1950s rapid population increase in densely-populated Hong Kong and Singapore has been accompanied by large increases in real income and wages. The population of the Western world has more than quadrupled since the middle of the eighteenth century. Real income per head is estimated to have increased by a factor of five or more. Most of the increase in incomes took place when population increased as fast as, or faster than, in the contemporary less developed world.[3]

Bauer's focus is on character, attitudes, and institutional arrangements, not natural (physical) resources. How else can we explain the spectacular increase in per capita income that residents of Hong Kong have experienced? "The number of people who can live in any area at the specified standard of living is. not determined by the extent of land or of other physical resources available there. It depends very largely on the personal qualities, social institutions and mores and political arrangements of the population, on the state of technology and on external market conditions for imports and exports."[4]

Thus, the guilt felt by the West's intellectuals concerning population growth in the Third World is valid, but not because "we" taught the Third World about modern medicine and other life-saving technologies. Unquestionably, we did send them key life-saving technologies. Which technologies? I am not referring here to DDT and other pesticides, important as these may be in extending life expectancy by

2. Cited in *Review of the News* (August 15, 1979), p. 29.
3. Bauer, *Equality*, p. 43.
4. *Ibid.*, p. 50.

killing disease-bearing insects (at least until the insect species produce pesticide-resistant progeny).[5] I have in mind the two greatest life-extending technologies that the West has exported to the Third World, the wire-mesh window and door screen (post-1860s) and the elementary public health measure, the separation of latrines from close proximity to community water supplies, a practice known since Alexander the Great,[6] and one which was required (though without a biological explanation) of the Hebrews, at least with respect to battlefield conditions (Deut. 23:12–13). These technologies should not be the basis of guilt among Western intellectuals. The intellectuals should feel guilty only because they—Western educators, politicians, missionaries, and propagandists—have persuaded Third World leaders that socialism and economic interventionism are the most productive, or at least the most moral, of all forms of social and economic organization. It is socialism, with its denial of personal responsibility—at least the personal responsibility of the poor—that threatened the per capita wealth of underdeveloped nations, not population growth as such.

A. The Four Ultimate Resources

The ultimate resources for man are God's four gifts: land, life, law, and time. These were God's gifts in the garden, to which regeneration has been added as a gift in the post-Fall world. "All the commandments which I command thee this day shall ye observe to do, that ye may live, and multiply, and go in and possess the land which the Lord sware unto your fathers" (Deut. 8:1). It could not be any clearer. "But thou shalt remember the Lord thy God: for it is he that giveth thee power to get wealth, that he may establish his covenant which he sware unto thy fathers, as it is this day" (Deut. 8:18).[7] God's covenant establishes the possibility of *positive feedback*, or what is also called *compound growth*.

5. The "defeat" of malaria-carrying mosquitos by DDT in the mid-twentieth century was apparently only a temporary tactical victory. The disease has bounced back since the late 1960s. It requires a full-time campaign to control the mosquitos. Governments are not always willing to finance such campaigns, especially in Third World nations. Julian Simon argued that the one remedy that may be able to work is high human population density, which reduces the habitat for the mosquitos. Simon, *The Ultimate Resource* (Princeton, New Jersey: Princeton University Press, 1981), p. 253.

6. Peter Drucker, *Management: Tasks, Responsibilities, Practices* (New York: Harper, 1974), p. 330.

7. Gary North, *Inheritance and Dominion: An Economic Commentary on Deuteronomy*, 2nd ed. (Dallas, Georgia: Point Five Press, [1999] 2012), ch. 22.

Population growth is specifically stated to be a covenantal blessing. To deny this is to deny God's word. There can be no compromise here. Therefore, we should expect to find evidence that population growth is, *in the long run*, accompanied by other economic benefits. Contrary to the assertion of the rebellious former slaves of the wilderness era (Ex. 14:11–12; 17:1–3; Num. 20:3–4), God does not bring His people out into the wilderness to kill them. Contrary to the hand-wringing of ethically rebellious slaves of our day, God does not multiply the seed of righteous mankind in order to bring a population catastrophe upon them.

1. Simon's Thesis

Professor Julian Simon of the University of Illinois wrote an influential book, published by Princeton University Press in 1981, called *The Ultimate Resource*. What is this resource? Human creativity. Simon examined the statistical and theoretical evidence of the various "doomsday books" published around the world, but especially in the United States, after 1964. He found all of them to be misleading forecasts: the coming famine, the coming pollution catastrophe (dead seas, dead lakes, cancer-producing air), the population explosion, the coming extinction of natural resources (especially "nonrenewable" resources), the energy crisis, and the economic collapse.

What is the evidence? Food is getting cheaper, and has been for centuries under capitalism. Economic catastrophes do happen, but in the modern world they are almost always the product of government planning and mismanagement. An increasing population, if coupled with capitalist institutions, has invariably brought with it economic advance and an increasing per capita income within two generations and often within one generation. The problem, he said, is not that Western populations are increasing, but rather that *Westerners are not reproducing themselves*. Birth rates in many Western nations are below the reproduction rate of 2.1 children per woman. The bulk of the historical evidence points to the fact that shrinking populations bring with them economic stagnation and declining per capita income.

Here is the main thesis of the book: "It is your mind that matters economically, as much or more than your mouth or hands. In the long run, the most important economic effect of population size and growth is the contribution of additional people to our stock of useful knowledge. And this contribution is large enough in the long run to overcome all the costs of population growth. This is a strong state-

ment, but the evidence for it seems very strong."[8] The evidence is very strong—far stronger than anything the zero population growth propagandists have been able to muster. "More mouths" means, eventually, a larger population base from which minds will emerge. *More minds mean more creativity*, despite the short-run limitation that hypnotizes the doom-sayers: "more births mean more mouths to feed" and therefore supposedly also mean reduced per capita investment, leading to low or zero economic growth.

This latter approach is illustrated by the booklet published by the World Bank, an international organization that gives confiscated tax dollars and borrowed money to Third World nations. The booklet announced: "There may historically have been countries which could have been considered under-populated, in terms of the economy's ability to make effective use of its natural resources. Perhaps the United States was in this position at some point in the past. However, instances when the addition of more people to the labor force led to increases in labor productivity and income per head must have been few in the past and are virtually nonexistent today."[9] The words "may," "perhaps," and "must have been" indicate how little evidence the author has for any of his conclusions.

2. Overstating His Case

On occasion, Simon needlessly overstated his case for economic growth. For instance, he argued that progress has been made in controlling "point sources" of water pollution, such as municipal and industrial sewage and chemical waste.[10] This was true, but it is the non-point sources of water pollution, especially agricultural—topsoil runoff, animal urea runoff—that are the biggest problem. Here, there has been little progress.[11] But his main point is correct: that with freedom, future-orientation, and capital to finance human creativity, there probably will be economic growth and increases in per capita output (and therefore income).

Does this mean that there are no limits to growth? He argues that there are in principle none. This is clearly incorrect. The post-Fall world is under a curse. We know there are limits to growth because there are prices. At zero price, there is more demand for than supply

8. Simon, *Ultimate Resource*, p. 196.

9. *Population Planning: Sector Working Paper* (March 1972), p. 17.

10. Simon, p. 133.

11. Jerome W. Milliman, "Can Water Pollution Policy Be Efficient?" *Cato Journal*, II (Spring 1982), p. 190.

of a scarce economic resource, meaning virtually all resources. *To argue for a zero-limits world is to argue for a zero-price world*. This was the eschatological argument of the Communists and "radical" political economists.[12] Simon knew this. Yet his language often points to a zero-price world which has been the dream of revolutionary communist visionaries for millennia.

Sometimes Simon guarded his language. At other times he didn't. For example, in his conclusion, he wrote that "there are no meaningful limits to the continuation of this process," meaning a rising standard of living.[13] He rejected the use of the word "finite" because of the misconceptions associated with it. For instance, "finite" is not meaningful because "we cannot say with any practical surety where the bounds of a relevant resource system lie, or even if there are any bounds."[14] He was correct: we cannot say where the bounds lie. He was also incorrect: we can say that all resources are bounded. This is why we must pay to gain access to them.

3. The Irreplaceable Resource: Time

Simon was a humanist who sought to escape the curse-induced limits to growth. *He was attempting to escape the logic of all growth, for it points to a coming judgment and the end of time*. A 1% per year expansion of today's human population would produce over 80 trillion people in a thousand years. There are, in short, limits to growth. There is finitude. We are not God; we are limited creatures. Our creativity is the creativity of creatures, a kind of "re-creativity."

The Bible says that the primary limit in the post-Fall world is time: *God's final judgment is coming*. Simon categorically and foolishly denied this. Speaking of the increase of total resources over time the product of superior insight, better technology, and capital accumulation, he wrote: "But, you ask, how long can this go on? Surely it can't go on forever, can it? In fact there is no logical or physical reason why the process cannot do just that, go on forever."[15] In this sense, Simon was "whistling past the graveyard"—the entropy-bound cosmic graveyard.[16] The process cannot go on forever, or anything like for-

12. "The Unorthodox Ideas of Radical Economists Win a Wider Hearing," *Wall Street Journal* (Feb. 11, 1972); cf. *Business Week* (March 18, 1972), pp. 72, 74.

13. Simon, p. 345.

14. *Ibid.*, p. 48.

15. *Ibid.*, p. 217.

16. Gary North, *Is the World Running Down? Crisis in the Christian Worldview* (Tyler, Texas: Institute for Christian Economics, 1988), ch. 2.

ever. The universe is bounded. Furthermore, this earth is bounded, and even 1% per annum growth in the world's population will press against these limits within a few generations. Eventually, population growth will end, thereby fulfilling one aspect of the dominion covenant. Other forms of growth will also end.

Simon's book is an intellectual overreaction. Nevertheless, his arguments are correct within the God-imposed and (humanly speaking) indefinite limitations of the creation. We do not live in an infinite environment, but we do live in an indefinitely limited environment. It is not infinite, but its boundaries cannot be known by a government committee. There are limits on men's creativity, but men do not know where these limits are. God does know, and therefore it is incorrect to deny the limitations of finitude. On the other hand, a state bureaucracy does not know, and therefore it is misleading (and state-enhancing) to speak of the need for limiting growth by political action.

B. Biblical Ethics vs. Stagnation

The answer, then, is to allow men's creativity to flow, and to allow profit-seeking investors to seek out previously undetected opportunities. This fusion of inventive genius and private capital accumulation and investment is basic to the institutional framework of the growth process. But most important of all is the *ethical framework*, which in turn is the source of the institutional framework. Christian economic and social analysis must postulate a relatively close relationship in history between ethics and economic performance. First, there is a relationship between external righteousness and external blessings. This includes population growth. Second, we must never forget the relationship between ethical rebellion and economic stagnation or even "negative income," as the economists like to put it, i.e., between evil acts and falling per capita income for a society. What we should argue, contrary to Simon, is that there are several "ultimate resources": (1) God's gift of life in the creation; (2) His gift to the creation of an assistant made in His image, man, who is subordinately creative (Simon's "ultimate resource"); (3) His gift of land (natural resources)—the creation itself; (4) His gift of time; (5) His gift of law; and (6) His gift of regeneration and sanctification to fallen humanity.

Simon's thesis, therefore, is flawed by his humanism. Nevertheless, his thesis is not nearly so flawed as his humanist opponents' theory, namely, that compound economic growth is not the proper standard, but is instead some sort of cosmic hubris on the part of man, his de-

fiance of the laws of an entropic cosmos.[17] They assume that finitude is primary rather than ethics, that entropy is the fundamental reality rather than regeneration, sanctification, and blessing. His opponents assume that capitalism is evil because it provides the legal framework for long-term economic growth, and thereby encourages such growth. Capitalism does precisely that, of course, but the Christian response should be that this is one of the reasons why *capitalism is a God-ordained and God-required form of economic organization*. It is not capitalism that is innately evil, but rather the zero-growth ideology.

C. The Legacy of Malthus

Some have termed the fear of population growth "neo-Malthusianism."[18] Thomas Malthus, a late-eighteenth-century cleric, amateur demographer, and economist,[19] wrote his enormously influential (and originally anonymous) book, *An Essay on the Principle of Population*, in 1798.[20] In it, he made a series of dire analyses and prophecies concerning overpopulation and looming food shortages—prophecies that he revised downward in later editions of his book.[21] Unfortunately, his nineteenth-century followers ignored his later revisions.[22]

The most famous—and erroneous—of Malthus' observations is this: the means of subsistence increases arithmetically ("1, 2, 3, 4, 5. . . ."), while all species have a tendency to increase geometrically ("2, 4, 8, 16, 32. . . .").[23] There is no evidence for the existence of these numerical relationships.[24] Most important, we cannot measure a *fixed* "tendency"—and tendencies were all that he ever claimed for his theory[25]—to geometrical expansion of population in that crucial species, humanity.

Malthus' theory was refuted in the industrial West by three de-

17. Jeremy Rifkin, *Entropy: A New World View* (New York: Bantam, 1980). For a my refutation of Rifkin, see *Is the World Running Down?*

18. For example, B. Bruce-Briggs, "Against the Neo-Malthusians," *Commentary* (July 1974).

19. In 1804, he became the very first person to hold a chair in political economy, at the newly founded East India College. He filled this post until his death in 1834. William Petersen, *Population*, 2nd ed. (New York: Macmillan, 1969), p. 142.

20. Like the *Manifesto of the Communist Party* (1848), which also became influential, the first edition was published anonymously.

21. Gertrude Himmelfarb, *The Idea of Poverty: England in the Early Industrial Age* (New York: Knopf, 1984), pp. 113–22.

22. *Ibid*., pp. 122–32.

23. See Petersen, *Population*, p. 149.

24. Himmelfarb, p. 127.

25. Antony Flew, "Introduction," Thomas Malthus, *An Essay on the Principle of Population* (New York: Penguin, [1970] 1982), pp. 19–21.

velopments: (1) contraceptive technologies; (2) even earlier, by the very means of restraint he recommended, late marriages; and (3) the rise of scientific agriculture, by which mankind multiplied food even faster than man multiplied himself. Malthus began to recognize this in later editions of his book. He wrote in the final chapter of the last edition: "From a review of the state of society in former periods compared with the present, I should certainly say that the evils resulting from the principle of population have rather diminished than increased, even under the disadvantage of an almost total ignorance of the real cause. And if we can indulge the hope that this ignorance will be gradually dissipated, it does not seem unreasonable to expect that they will be still further diminished."[26] It should also be understood that he was utterly opposed to abortion, contraceptive technologies, and other "mechanical" means of reducing the birth rate. In this sense, "neo-Malthusians" have recommended policies totally at odds with his.[27]

The influence of Malthus in discussions of population theory has been enormous. Independently, both Darwin and A. R. Wallace came to their theory of "evolution through natural selection" by reading Malthus' insight that populations are constantly pressing against the means of subsistence.[28] In economics, with the exception of Marx,[29] the Malthusian perspective led to the "dismal science" (as Carlyle called it). Classical economic theory during the first half of the nineteenth century was firmly grounded on the so-called "iron law of wages," a corollary to the law of diminishing returns—the belief that the most productive land would be put into production first, and that the demand for food created by an increasing population would be satisfied only at greater and greater cost, as less and less productive

26. Cited in Warren S. Thompson, *Population Problems*, 3rd ed. (New York: McGraw-Hill, 1942), p. 29.

27. Petersen, *Population*, pp. 150–52.

28. Charles Darwin and Alfred Russel Wallace, *The Journal of the Linnean Society* (1858); reprinted in Philip Appleman (ed.), *Darwin: A Norton Critical Edition* (New York: Norton, 1970), p. 83; Wallace, "Note on the passages of Malthus' 'Principles of Population' which suggested the idea of natural selection to Darwin and myself," *The Darwin and Wallace Celebration held on Thursday, 1 July 1908 by the Linnean Society of London* (London, 1908), pp. 111–18, cited by Sir Gavin de Beer, *Darwin*, p. 71n. See also Wallace's reminiscences at age 75 in *The Wonderful Century*; cited by Arnold C. Brackman, *A Delicate Arrangement: The Strange Case of Charles Darwin and Alfred Russel Wallace* (New York: Times Books, 1980), p. 199. For extracts of the writings of both Darwin and Wallace concerning Malthus' impact on their thinking, see Flew, "Introduction," *op. cit.*, pp. 49–51.

29. See Flew's extracts from Marx and Engels, "Introduction," *op. cit.*, pp. 51–52.

land was brought into production.[30] This was Ricardo's intellectual legacy, built on Malthus' earlier population theory.

Really scientific studies of population came only in the late nineteenth century.[31] The topic was almost never mentioned in English-language history textbooks until after World War II, if then, and really not until the mid-1950s.[32] The scientific study of historical population trends is equally recent. The French have been the pioneers here, yet the discipline of historical demography began no earlier than the early 1950s.[33]

Ever since the period after 1960, the neo-Malthusians have dominated the popular press and media. This, too, shall pass. Public opinion concerning the appropriate population growth rate, like the growth rate itself, changes often, and it changes fast. So do opinions concerning optimum family size. Ideas have consequences, however, and the zero population growth rhetoric has had and continues to have serious consequences for the economy of the industrial West and its future. A radically anti-biblical ideology has been adopted by millions of citizens and, from what the evidence indicates, also by a significant percentage of Christian intellectuals and leaders. There is no prominent organization in the United States specifically devoted to persuading people that it is generally beneficial to increase the rate of population growth and the birth rate. In contrast, there are dozens of well-funded organizations that are anti-natalists. There may come a day when the anti- growth promoters will become even more consistent and call for euthanasia—the execution of the "unfit." Some indications of this exist now, such as the words of pro-abortionist biologist Garrett Hardin:

> Pascal wrote: "There is nothing more real than death, nor more terrible."
>
> To me, there is nothing more false than this statement of Pascal's.
>
> Who's right, him or me? Undoubtedly, that's a bad question. We are different. There is probably no possibility of bringing two such minds into agreement.
>
> The political problem is one of coexistence. Let those who fear death reject abortion and all forms of euthanasia—*for themselves and possibly for the loved ones they control*.
>
> Let those who do not fear death act otherwise in their own lives.

30. E. P. Hutchinson, *The Population Debate: The Development of Conflicting Theories up to 1800* (Boston: Houghton Mifflin, 1967), esp. p. 395.

31. David Landes, "The Treatment of Population in History Textbooks," *Daedalus* (Spring 1968), p. 364. This issue was titled, Historical Population Studies.

32. *Ibid*., pp. 372–78.

33. Louis Henry, "Historical Demography," *ibid*., pp. 390–91.

> With an embryo, it's *all promise and no memories.*
> With the senile, it's all memories and no promise.
> Someday, we should be able to find a course of action with respect to the senile that will be acceptable to all non-Pascalians. For the present, I think we are clear only on abortion.[34]

So far, pro-euthanasia organizations in the United States are not yet openly funded by taxes, the way that the zero population growth "family planning" organizations are. This could easily change.[35]

D. The Legalization of Abortion[36]

"Population explosion" was a pejorative phrase in the late twentieth century. Another variant was "people pollution." There will come a day when American historians and social commentators will look back in disbelief and disgust at the billions of tax dollars that were granted to public and private propaganda agencies after 1965 to "spread the word" about the supposed evils that "inevitably" result from the growth of population.[37] In industrial nations that are facing literal extinction in the long run because the birth rate of their citizens is below the replacement rate of at least 2.1 children per woman, intellectuals are advocating abortion, mass education programs favoring contraception, and similar restraints on births. As of 1975, nations that no longer had fertility rates above the replacement rate included West Germany, Denmark, Austria, Belgium, France, Holland, Norway, Sweden, Switzerland, Great Britain, and the United States.[38]

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34. Garrett Hardin, *Mandatory Motherhood: The True Meaning of "Right to Life"* (Boston: Beacon Press, 1974), pp. 84–85.

35. In the first edition of this book (1985), I included a detailed critique of Ronald J. Sider's views on government-to-government foreign aid and also his arguments for the wastefulness of eating meat. I called the section "Vegetarian Redemption," (pp. 336–43). Sider is no longer a major figure in evangelical circles. He abandoned many of his pro-socialist views in 1997. I have decided to omit the section.

36. For a survey of the history of abortion, from 2050 B.C. (conventional dating), see Part 2 of the essay by Eugene Quay, "Justifiable Abortion—Medical and Legal Foundations," *Georgetown Law Review*, XLIX (Spring 1961).

37. From 1965 through 1976, governments had spent the equivalent of a billion and a quarter dollars to promote worldwide programs of population reduction. Well over $850 million of this came from the taxpayers of the United States. An additional quarter of a billion had been spent by the Ford Foundation and the Rockefeller Foundation for this same goal. See Simon, *Ultimate Resource*, p. 292.

38. "People Shortage," *Wall Street Journal* (Aug. 23, 1979), chart: "West European Fertility Rates." The peak in the fertility rate in the U.S. was 3.7, in 1957. By 1975, it had fallen to 1.8. See *Population Estimates and Projections: Estimates of the Population of the United States and Components of Change: 1930–1975*, Series P-25, No. 632 (July 1976), p. 2; published by the U.S. Department of Commerce, Bureau of the Census.

These nations also erected immigration barriers against newcomers who might at least be able to increase the size of the national populations sufficiently to maintain them in the long run.

In 1973, about a decade after the "population dilemma" propaganda began,[39] the Supreme Court of the United States overturned all state laws that outlawed "abortion on demand" in the *Roe v. Wade* decision. Within a few years, between a million and a million and a half now-legal abortions were being performed in the United States each year. Pro-abortionists offer a counter-argument: there were as many as a million illegal abortions in 1960.[40] Another estimate of the combined legal and illegal abortions in the U. S. in 1972, a year before *Roe v. Wade*, is 1.25 million.[41] A less radical estimate is 587,000 abortions in 1972.[42] The number, obviously, was high. But the number of abortions increased after *Roe v. Wade*. The *Roe v. Wade* decision, however, led not only to a vast number of abortions but also to a mobilization of Christians and conservatives in opposition.[43] By 1976, the number of legal abortions performed by physicians in the United States exceeded the number of tonsillectomies as the most frequently performed surgical procedure.[44] The number of abortions performed annually finally peaked (possibly only briefly) in 1982.

39. Philip M. Hauser, *The Population Dilemma* (Englewood Cliffs, New Jersey: Prentice-Hall, 1963), copyright by the American Assembly, for whom it was compiled. Trustees of the Assembly included former President Dwight Eisenhower, former Federal Reserve Board Chairman (under President Roosevelt) Mariner S. Eccles, W. Averill Harriman, and Henry M. Wriston (later president of the second-largest bank holding company in the U.S., Citicorp).

40. Garrett Hardin, *Mandatory Motherhood*, p. 11.

41. Helen Dudar, "Abortion for the Asking," *Saturday Review* (April 1973), p. 34. The "teaser" copy which introduces the article reads: "It's still not the same as having a tooth pulled, yet few tears are shed."

42. "Another Storm Brewing Over Abortion," *U. S. News and World Report* (July 24, 1978).

43. Cf. Franky Schaeffer, *A Time for Anger: The Myth of Neutrality* (Westchester, Illinois: Crossway Books, 1982), ch. 6. The success of Francis Schaeffer's *A Christian Manifesto* (Crossway, 1980) and the moderate success of Franky Schaeffer's anti-abortion movie and his father's book, co-authored by Dr. C. Everett Koop, both bearing the title, *What Ever Happened to the Human Race?* (Old Tappan, New Jersey: Revell, 1976), led to the appointment in 1981 of Dr. Koop as Surgeon General of the United States. This symbolic appointment demonstrated that the Christians had attained at least some degree of influence in national politics by means of this topic. It was the only major appointment during President Reagan's first term that the Christians received. An anti-abortion book bearing President Reagan's name, *Abortion and the Conscience of the Nation*, was released in early 1984, a Presidential election year, by Thomas Nelson Sons, a Christian publisher.

44. Sullivan, Tietze, and Dryfoos, "Legal Abortion in the United States, 1975–76," *Family Planning* (May/June 1977), p. 116; cited by William Brennan, *Medical Holocausts* (New York: Nordland, 1980), I, p. 322.

The speed of the transformation of people's thinking was remarkable. In the early 1960s, the American public favored the right of a woman to elect to have an abortion if the unborn baby was known to be "defective." Still, only 10% approved of abortion on demand simply on request of the woman.[45] By 1972, a Gallup Poll showed that 65% of Protestants and 56% of Roman Catholics answered "yes" to this question: "Do you agree that the decision to have an abortion should be made solely by a woman and her physician?"[46]

A grim reminder of the judgment which may be in store for today's aborting societies is the fact that Germany was the first modern Western nation to maintain a policy of mass abortions. This campaign to legalize abortion began prior to the coming to power of the Nazis, but it was under the Nazis that a full-scale policy of legalized abortion began. The parallels between Nazi Germany's disrespect for life and the West's disregard for the unborn are chronicled by William Brennan in two books, neither of which is pleasant to read.[47]

1. Abortion in the Soviet Union

It is also interesting that in 1965—precisely the same time that the "population explosion" propaganda began in the West—a debate began on this topic within the Soviet Union. The official Soviet Marxist line had been that there could never be overpopulation in a Marxist nation. It was the West that worried about overpopulation because of the inability of capitalism to produce sufficient food and consumer goods. Soviet Premier Nikita Khrushchev had stated the "hard line" in a 1955 speech: "The more people we have, the stronger our country will be. Bourgeois ideologists have invented many cannibalistic theories, including the theory of overpopulation. They think about how to reduce the birth rate and the growth of population. Matters are different among us, comrades. If we were to add 100,000,000 to our 200,000,000, it would be too few."[48]

Nevertheless, in that same year, a decree legalized both contraceptives and abortions. The official excuse was the large number of

45. Hardin, *Mandatory Motherhood*, p. 71.

46. *Ibid*., p. 7.

47. Brennan, *Medical Holocausts, op. cit*., and *The Abortion Holocaust: Today's Final Solution* (St. Louis, Missouri: Landmark Press, 1983).

48. Speech to settlers departing to the "virgin lands," as translated in *Current Digest of the Soviet Press*, VII (Feb. 16, 1955), p. 12; cited in Philip R. Pryde, *Conservation in the Soviet Union* (Cambridge: At the University Press, 1972), p. 167.

illegal abortions[49]—a favorite excuse in Western nations, too. The "hard line" prevailed, however, until Khrushchev's removal in 1964. In 1964, there was not a single demographic research institute in the USSR; two had been shut down. As late as 1970, whatever population research that was being conducted was done in separate departments of other kinds of institutions.[50] In short, the Soviet line, following Marx's lead,[51] was anti-Malthus. They did not worry about overpopulation.

In the 1920s and the early 1930s, the Party line had favored free love and was distinctly anti-family. This was a fulfillment of Engels' observation: "It is a curious fact that in every large revolutionary movement the question of 'free love' comes to the foreground."[52] The predominant view was that sexual life was supposed to be outside the regulation of the Party[53]—the only major activity that was still regarded as legitimately autonomous from political control. Easy divorce and free abortions were the rule after 1926.[54] There were widespread abortions in the early 1930s.[55] This policy was reversed by law in 1936. At the same time, public money began to be offered for births.[56] The mid-1930s therefore saw a dramatic reversal in Soviet law toward the family, including a 1934 law against homosexuality.[57] The anti-abortion law remained on the books until 1955.

Between 1955 and 1965, the total number of legal and illegal abortions increased by a factor of four, according to published Soviet estimates.[58] A debate over the theory of overpopulation began in the

49. Norton T. Dodge, *Women in the Soviet Economy: Their Role in Economic, Scientific, and Technical Development* (Baltimore, Maryland: Johns Hopkins Press, 1966), p. 24.

50. *Ibid.*, p. 167.

51. *Marx and Engels on the Population Bomb*, ed. Ronald L. Meek (Berkeley, California: Ramparts Press, 1971). It is interesting that the original title of the 1953 edition was the more prosaic *Marx and Engels on Malthus* (New York: International Publishers). International Publishers was an exclusively Marxist publishing house, while Ramparts was a "new left" magazine and publishing house, which went out of existence in the 1970s. But the phrase "population bomb," made famous by Stanford biologist Paul Ehrlich, was too good for a profit-seeking radical publishing house to pass up.

52. Cited by Igor Shafarevich, *The Socialist Phenomenon* (New York: Harper & Row, [1975] 1980), p. 33.

53. H. Kent Geiger, *The Family in Soviet Russia* (Cambridge, Massachusetts: Harvard University Press, 1968), p. 61.

54. *Idem*.

55. Dodge, *Women in the Soviet Economy*, p. 9.

56. *Ibid.*, p. 23.

57. Geiger, *Family*, p. 94.

58. Gail Warshofsky Lapidus, *Women in Soviet Society: Equality, Development, and Social Change* (Berkeley: University of California Press, 1978), p. 299, note 25.

USSR in 1965 and 1966, which indicated a weakening of the older "hard line" position.[59] A national network of abortion clinics was in operation by the mid-1970s which offered cheap abortions at a price of around $7 each.[60] Some 8 million abortions were being performed annually by this time.[61] Abortion became the major form of Soviet population control, three to one over contraception.[62]

The rulers of the Soviet Union in 1965 faced the demographic and political problem of a stagnant "white Russian" (European) population that confronted a growing Muslim and Central Asian Soviet population.

> Soviet demographers expected the 1970 census to produce a figure of over 250 million, with a projection of 350 million by the end of the century. In fact the 1970 total fell 10 million short and the 1979 figure produced only 262,436,000, meaning a population of not much over 300 million in 2000 A.D. What the 1970 census revealed for the first time was a dual birth-rate: low in Slavic and Baltic Russia, high in the eastern USSR, Central Asia and the Caucasus. In the 1960s alone the Muslim population leapt from 24 to 35 million, adding another 14 million in the 1970s, giving a total of about 50 million by the beginning of the 1980s. By this point it was clear that at the turn of the century Central Asia and Caucasia would contribute about 100 million, that is a third, of the total. Even by 1979, the 137 million Great Russians, a markedly ageing population compared to the non-Slavs, felt demographically on the defensive.[63]

God will not be mocked!

2. Abortion Worldwide

The extent of abortion worldwide is, from a biblical standpoint, horrendously large. A United States government publication cited estimates that, by the late 1970s, about 55 million abortions, legal and illegal, were taking place annually, with half of these in the less developed nations. The United States was at the low end of the scale. "In the United States, the 1978 abortion rate as reported by the Center for Disease Control was 23 per 1,000 women of reproductive age. New estimates of induced abortion in China place that country's rate at 25 in 1978. Eastern bloc countries have very high rates. In the U.S.S.R.

59. Pryde, pp. 167–68.

60. "Sexual Revolution in Soviet [sic] Straining Strict Morality," *New York Times* (Sept. 25, 1977).

61. Lapidus, p. 299.

62. *Idem.*, note 25.

63. Paul Johnson, *Modern Times*, pp. 711–12.

Union, there are 180 abortions per 1,000 women of reproductive age in 1970, the latest year for which data are available. There were 88 abortions per 1,000 women of reproductive age in Romania and 68 per 1,000 for the same group in Bulgaria (1979). The latest data from Japan (1975) show an equivalent rate of 84 per 1,000."[64]

Japan, which legalized abortions early, in 1947, had some 12,000 licensed abortionists in 1980. Almost 600,000 abortions were performed annually, as of the early 1980s. One out of every three Japanese women in the 25 to 40 age group has had an abortion, reported one Japanese feminist organization. Temples are selling statues and rituals to families seeking atonement for the guilt produced by the abortions, and the popularity of these rituals is rising.[65]

Beginning in the early 1970s, China's government began putting tremendous pressure on women to have abortions. Infant girls were killed at birth by parents who wanted sons, a fact confirmed by Premier Zhao Ziyang in his remarks critical of the practice in late 1982. But what else would he expect? The new Chinese population law restricts families to one child, and rural Chinese want a son if that is the only child they will be allowed to bring up. Childless couples are required to obtain a "birth quota" in advance. Very heavy fines are levied on violators.[66] The state, a monopoly employer, can enforce its will on recalcitrants, and does.[67] Newborn third children were being killed in some hospitals, reports indicated in the early 1980s.[68] (As I wrote in 1985, "the social effects a generation later will threaten the very fabric of Chinese culture: there will be a scarcity of young women eligible for marriage.")

Romania, virtually alone among nations, saw the light in the late 1970s and outlawed abortions. This policy was reaffirmed in 1984. Romanian leaders feared the effects of a declining population. They showed greater wisdom than Western intellectuals.

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64. *World Population and Fertility Planning Technologies: The Next 20 Years* (Washington, D.C.: Office of Technology Assessment, 1982), p. 63.

65. Urban Lehner, "Japanese Ceremonies Show Private Doubts Over Use of Abortion," *Wall Street Journal* (Jan. 6, 1983).

66. Steven W. Mosher, "Why Are Baby Girls Being Killed in China?" *ibid.* (July 25, 1983).

67. Steven W. Mosher, *Broken Earth: The Rural Chinese* (New York: The Free Press, 1983), ch. 9. Mosher was dismissed from the Ph.D. program in anthropology at Stanford University not long after the Chinese government protested Mosher's reporting of the fact that in some rural districts in the late 1970s, Chinese were administering forced abortions. See the editorial in the *Wall Street Journal* (July 25, 1983).

68. Michael Vink, "Abortion and Birth Control in Canton, China," *Wall Street Journal* (Nov. 30, 1981).

The old argument that illegal abortions are risky to mothers is overblown. In the 1958–62 period, fewer than 375 women in the U.S. died each year as a result of both illegal and spontaneous (non-induced) abortions. By 1972, it was under 100.[69] Some pro-abortionists knew this all along. Mary S. Calderone wrote in 1960 that in 1957 "there were only 260 deaths in the whole country attributed to abortions of any kind."[70] But the lure of the "backstreet butchers" argument has always proven strong. It was used repeatedly in Germany during the Weimar years, and it bore its evil fruit under the Nazis.[71] Besides, why shouldn't murderers be subject to a little risk? The fact is this: in over 99% of all abortions, half the people involved die. The unborn half.

E. "Christian" Abortion

Given the inroads of humanistic thought into the Christian intellectual community, it should not be startling to learn that late twentieth-century Christian intellectuals and physicians were proposing a program of reduced birth rates—yes, even including abortion, though not infanticide.[72] Psychiatrist M. O. Vincent offered this assessment: ". . . the foetus has great and developing value, but it is less than a human being. It will be sacrificed only for weighty reasons."[73] As a psychiatrist—a man of science, you understand—he got to "weigh" these reasons: "I find it hard to know how to 'weigh' these reasons, but weigh them I must."[74] Ah, the responsibilities of becoming a "weigher" on a set of cosmic scales of value that God forbids men to use.[75] "To abort or not to abort, that is the question": for men in rebellion against God.

It is the responsibility of Christians to study the effects of population growth, we are informed by a professor of sociology who taought

69. *World Population and Fertility Planning Technologies*, p. 64, Figure 7.

70. Mary S. Calderone, "Illegal Abortion as a Public Health Problem," *American Journal of Public Health*, 50 (July 1960); cited in Brennan, *Abortion Holocaust*, p. 13.

71. Brennan, *ibid.*, pp. 10–11.

72. See, for example, several of the essays in the abominable book, *Birth Control and the Christian*, eds. Walter O. Spitzer and Carlyle L. Saylor (Wheaton, Illinois: Tyndale House, 1969). This was a symposium held by the Christian Medical Society and *Christianity Today*. On *Christianity Today*'s co-sponsorship, see Graham A. D. Scott, "Abortion and the Incarnation," *Journal of the Evangelical Theological Society*, XVII (Winter 1974), p. 30.

73. "Psychiatric Indications for Therapeutic Abortion and Sterilization," in *Birth Control and the Christian*, p. 213.

74. *Idem.*

75. This is not a "battlefield" decision on whether to allow a man to die; this is a decision to intervene actively and stop a living person's normal developmental process.

in a state university.[76] You see, population growth creates "complications for the collectivity."[77] (Isn't scientific language wonderful?) For example, juvenile delinquency is apparently one result of unwanted children.[78] Furthermore, the government now provides welfare services (an ungodly coercive redistribution of wealth, which our sociologist fails to mention), so that today "billions of tax dollars are spent in an attempt to cope with the results of over-population. . . ."[79] (If you detect a bit of racism and middle-class resentment here, you are probably not alone.) He referred to only one remaining hold-out in the ideological war against over-population: the Black Power movement of the late 1960s. The Black Power advocates believed that this zero population growth philosophy is, in the sociologist's words, "the imposition of white middle-class standards on the black community, the white desire to limit the number of 'us beautiful blacks,' and the desire of whites to use birth control as an easy way to solve the basic problems of society."[80] I can only comment: the blacks he described here possessed more common sense (and better tools of sociological analysis) than a lot of professors of sociology who teach in state universities.

1. Evangelical Ethics, 1984

In the appropriate year of 1984, reminiscent of George Orwell's book title, came the equally appropriately titled book, *Brave New People*, by a New Zealand professor of anatomy and medical ethicist, D. Gareth Jones, Ph.D. He claimed he was a Christian. His book was published by Inter-Varsity Press, which also claimed to be Christian. The book was a very clever defense of the ethical legitimacy of "therapeutic" abortion.

After spending six chapters discussing the admittedly difficult ethical issues relating to genetic manipulation, the author then introduced his chapter on the not-at-all-difficult moral issue of abortion, the execution of the legally innocent. I call this the "confuse, then corrupt" technique. It has been used successfully by theologically liberal "higher critics" of the Bible for a century and a half. He warned

76. Donald H. Bouma, "The Population Explosion: World and Local Imperatives," *ibid.*, pp. 329–39.

77. *Ibid.*, p. 330.

78. *Ibid.*, p. 337.

79. *Ibid.*, p. 335.

80. *Ibid.*, p. 339.

that "there are no slick answers,"[81] which is the typical approach of the morally confused (or morally perverse) but self-proclaimed "honest Christian" who is about to abandon the clear teachings of the Bible.

What does the Bible say about abortion?

> If men strive, and hurt a woman with child, so that her fruit depart from her, and yet no mischief follow: he shall be surely punished, according as the woman's husband will lay upon him; and he shall pay as the judges determine. And if any mischief follow, then thou shalt give life for life, Eye for eye, tooth for tooth, hand for hand, foot for foot, Burning for burning, wound for wound, stripe for stripe (Ex. 21:22–25).[82]

If it is a capital crime to cause an abortion accidentally, then it is a capital crime to abort a child deliberately.[83]

Jones wanted Christian parents to make "a responsible decision."[84] This decision is, of course, "weighty."[85] (We are back to those cosmic scales that pro-abortionists insist we must use in making immoral decisions.) Naturally, "The issues are much more complex than is generally imagined."[86] (Be prepared: when Ph.D.-holding Christian "ethicists" start warning you about "complex moral questions," you are about to be told that you can safely violate the Bible's clear teachings.) He asked that all-too-familiar question: "When does the fetus become a person?"[87] When you call an unborn infant a "fetus," you have already prejudiced the case. You have begun to answer the question. The answer, predictably, was that honest people just cannot agree on the answer to this question, so let us use the alternatives to the Bible that "logic" provides.

2. No Absolutes

He cited the Roman Catholic Church's absolute prohibition against abortion. "The major attraction of the Roman Catholic position for Christians is its high view of human life. It has the strengths of all absolute positions and it places the unborn directly in God's will. In practice, however, issues are often not so simple, and while we

81. D. Gareth Jones, *Brave New People: Ethical Issues at the Commencement of Life* (Downers Grove, Illinois: Inter-Varsity Press, 1984), p. 7.

82. Chapter 38.

83. R. J. Rushdoony, *The Institutes of Biblical Law* (Nutley, New Jersey: Craig Press, 1973), p. 253.

84. Jones, *Brave New People*.

85. *Idem*.

86. *Ibid*., p. 168.

87. *Ibid*., p. 162.

may wish to believe that abortion is always morally wrong, dilemmas abound."[88] In short, moral decisions are sometimes costly, and certain "ethicists" recommend not paying the price.

In a remarkable abandonment of both logic and morality, he then accused the Roman Catholic position of irresponsibility. He summarized the implications of the position: "A fetus, once conceived, has the right to develop; this is an expression of natural forces and is a duty allotted to the mother by nature. Taken to its logical conclusion, this leaves no room for human responsibility. Instead, the erratic and impersonal forces of the natural environment are allowed sway. I do not consider this accords with the biblical emphasis on the responsibility God has bestowed upon mankind to control our environment."[89]

Raising the issue of natural law theory at this point in his argument was a verbal smoke screen, a cheap debate trick. By misdirecting the attention of his readers to a false issue, "impersonal natural law," he would have them overlook the obvious issue, namely, *the prohibition against murder in biblical law*. Jones spent page after page in Chapter 1 to demonstrate that the Bible teaches that all created reality is intensely personal, because God, the Creator, is personal. He denied any impersonality in the universe. "The world God has made is intrinsically personal."[90] Then he used a weakness in Roman Catholic epistemology—natural law theory, which is ultimately impersonal—to undermine a great strength in Roman Catholic ethics: the defense of human life.

He argued, incredibly, that by teaching people never to abort the unborn, the Roman Catholic Church has removed the question of abortion from the realm of ethics. On the contrary, the Church has reaffirmed the ethical decision. It is not a question of "to abort or not to abort under which complex, difficult, dilemma-filled situations?" It is a question of "to abort or not to abort, under any situation?" The Church has quite properly called abominable the position defended by D. Gareth Jones, Ph.D., and he felt the heat.

He said that "Abortion for therapeutic reasons demands a serious response by those professing to follow Christ."[91] Indeed, it does. The serious response is: "Don't." The serious reason is: "God says not to."

88. *Ibid.*, p. 167.
89. *Idem*.
90. *Ibid.*, p. 20.
91. *Ibid.*, p. 183.

3. The "Potential for Personhood"

He said that "each fetus is a human life, representing a potential for personhood from very early in its development. From this early stage it is a potential person, and from about eight weeks onwards has a recognizable individuality as manifested by its circulation and brain activity. It is well on the road to full personhood, and for most practical purposes may be considered to be a person. Nevertheless, I do not wish to draw a line between when a fetus is not a person and when a fetus is a person. Throughout the whole of its development the fetus is potentially an actual person, and deserves the respect and treatment due to a being with this sort of potential."[92] This is medical ethics? This is a call to responsible decision-making?

If Mary, a virgin who found herself pregnant, had decided to "take the easy way out" and had aborted her "fetus" in, say, the third month of her pregnancy, would she have eliminated a true Person? Or just a potential Person? D. Gareth Jones offered no principle that would give us a clear indication. Instead, he offered language that would have confused her, had she not understood the ethics of the Bible.

He went on, and it got worse. "A fetus is part of a more extensive continuum, the end-result of which is the emergence of an individual human being manifesting, under normal circumstances, the myriad facets that go to make up full personhood. The processes of this continuum, however, do not begin at conception; neither do they end at birth."[93] The continuum: here was a key idea in the biological speculations of D. Gareth Jones. First, "A new-born baby is a very incomplete human person...."[94] Second, "A corollary of the continuum potentiality argument is that there is no developmental point at which a line can be drawn between expendable and non-expendable fetuses, that is, between non-personal and personal fetuses. It may be preferable to carry out abortions early rather than later during gestation, but that is a biomedical and not an ethical decision."[95] Not an ethical decision? Strictly a biomedical decision? You mean a *strictly technological decision*? This is precisely what he meant. The official justification of this monstrous book was that it brings Christian ethics to bear on biomedical technology, but the end result is the imposition of the satanic ethics of abortion on the consciences of Christians in the name of autonomous biomedical technology.

92. *Ibid.*, p. 174.
93. *Idem.*
94. *Ibid.*, p. 175.
95. *Ibid.* pp. 175–76.

But what about the unstated third but obvious point? What about a definitional "continuum" for personhood that does not "end at birth," to quote Dr. Jones? In short, *what about euthanasia, "mercy killing"*? Is this, too, strictly a biomedical decision? Dr. Jones was not about to say...not in 1984. We know what his answer has to be, if he remains consistent to his stated presuppositions in this book. It is no doubt a "difficult" answer, based as it is on "complex" issues. But whenever he gives his answer, pray that no civil government accepts it, and also pray that you are not 85 years old and no longer fully competent mentally or economically.

The arguments he offered in support of a family's decision to abort a child can be used equally well by a family looking for excuses to murder a senile adult. The person is unable to learn. He is unable to take care of himself. He may create terrible psychological burdens for other family members. In short, caring for him is costly, and there is no economic payoff at the end of the road. Such a person is the economic and psychological equivalent of a highly retarded child. He is, in terms of Dr. Jones' analysis, *an expendable elderly fetus*. Kill him. But don't do it thoughtlessly, of course. Do it in responsible Christian love. Also, it should be done only after considerable reflection and the "weighing" of costs and benefits. And don't put your finger on either side of the cosmic scales. That would be cheating. You know what God says about false weights and balances. We need to honor God's ethical principles, after all, however vague they may be. So say the abortionists.

4. The Quality of Life

He included a section, "Possible grounds for therapeutic abortion." Biomedically possible, yes. Morally possible, no. But this is not what he concludes. What about the mental health of the mother? Maybe. He was not quite sure. This is "a difficult realm."[96] "These are not easy issues, and I do not believe there are easy answers to them."[97] "Fetal preservation is generally the course of choice in Christian terms. . . ."[98] Generally. Meaning, in short, not always. Maybe in 95% of the cases.[99] Or 93%. Or 82%. He was just not certain.

96. *Ibid.*, p. 177.

97. *Ibid.*, p. 178.

98. *Idem.*

99. This is what one-time conservative neo-evangelical scholar Carl Henry said of Jones: "This is essentially an anti-abortion book. Ninety-five percent of all abortion would be considered immoral by D. Gareth Jones." *Christianity Today* (Sept. 21, 1984), p. 63. But Jones did not suggest any such concrete figure, nor does his vague ethical system allow

Then what are the grounds of decision-making? By what measure do we "weigh" the issue of abortion? Not the Bible. Not God's inscripturated word. No, the key issue is that slickest of slick slogans of the late 1960s: *the quality of life*. He told us this at the beginning of the book. "Biology is power over the living. world, and biomedicine is power over human nature. There are numerous consequences of this, and they are already the subject of daily decision-making. These decisions revolve around one crucial issue, namely, the quality of life we demand for the populations of technologically-advanced societies and for individuals within those societies. All other issues, whether at the commencement of life or at the end of life, revolve around this critical fulcrum."[100] Therefore, "In making the decision, a balance needs to be attained between the pursuit of biological quality and the potential that a deformed child within a family holds out for that family to be humanized and to grow as a loving, human unit."[101] In short, more loving through chemical abortion. Or to reverse a 1960s advertising slogan of the DuPont Chemical Company, "Better Dying Through Chemistry." As Jones concluded: "Unfortunately some families cannot cope with such a challenge, and a compromise must be reluctantly adopted, namely, termination of the pregnancy."[102]

Such is the quality of life when it is not defined by the Bible in terms of the ethics of the Bible. Such is the aesthetics of the self-professed autonomous man.

5. Humanism's Ethics of Sentimentality

The compromise *must* be adopted, the ethicist tells us, just so long as the decision is made *reluctantly*. This is the ethics of sentimentality, as Schlossberg called it. "If good and evil are purely a matter of sentiment, then no action can be judged, since sentiments remain opaque to outside certification. Only the motives counts, not the action. In this way sentiment, not reason or law, is determinative of right and wrong."[103] Schlossberg identified the source of the ethics of sentiment in our day: *humanism*. "Humanism thrives on sentimentality because

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such specificity. Henry actually had endorsed this book prior to publication. Known as a Christian conservative, Henry's continual hostility to the legitimacy of biblical law in New Testament times finally led him into the pit of confusion and compromise with evil.

100. Jones, p. 10.

101. *Ibid*., p. 179.

102. *Idem*.

103. Herbert Schlossberg, *Idols for Destruction: Christian Faith and lts Confrontation With American Society* (Wheaton, Illinois: Crossway, [1983] 1993), p. 44.

few religions are more dishonest in their doctrinal expressions. Unable to withstand dispassionate analysis, which would reveal its lack of foundation, it stresses feeling rather than thought. That is what makes sentimentality so vicious."[104]

The incomparable hypocrisy of D. Gareth Jones, Ph.D, is found in the closing paragraph of this chapter: "Decisions relating to the handicapped should always be difficult and will prove too onerous for some to bear. This is the knife-edge along which we walk. But as we do we should be encouraged by the prophecy of Isaiah that, ultimately, 'then will the eyes of the blind be opened and the ears of the deaf unstopped. Then will the lame leap like a deer, and the tongue of the dumb shout for joy' (Isaiah 35:5–6)."[105] *Not if their parents aborted them, they won't.*

Jones said, "There is no slick solution."[106] Oh, but there is. The slickest of all is *the saline solution*. It is this solution which burns the unborn to death. But the heat of such solutions is nothing compared to the heat which awaits the biomedical practitioners of abortion and their morally corrupt apologists. Also, the publishers of their tracts.

We can understand Franky Schaeffer's outrage at Inter-Varsity Press. He went on Pat Robertson's *700 Club* television show in the summer of 1984 and called attention to what should be obvious, namely, that it was the income from his father's books that created the economic base of Inter-Varsity Press in the late 1960s, and they were using that capital base to spew out books like Ron Sider's *Rich Christians in an Age of Hunger* and *Brave New People*.

At the time, I agreed entirely with his response to all the gibberish about complex moral issues. "The real issue is simple. *What do we do now?* It is a choice, not between competing slogans and word games, right or left, but between godlessness and godliness. Between inhumanity and humanity. Between life and death. Between Joseph Fletcher[107] and Jesus. Between the dignity of the individual (whether handicapped, unwanted, born or unborn) and death as a 'liberal' solution for social problems such as poverty, race, and medical costs. Between a sanctity of life ethic and the bestial gaggle of ethicists, judges, and doctors who cry for the blood of the innocent, all in the name of economics and 'compassion,' not to mention convenience.

104. *Ibid.*, p. 46.
105. Jones, p. 184.
106. *Ibid.*, p. 169.
107. Joseph Fletcher, *Situation Ethics: The New Morality* (Philadelphia: Westminster Press, 1966).

Between freedom and prosperity, or subservience, slavery, and the ever-expanding power of the welfare state."[108]

Of course, no Christian ethicist or Christian physician publicly advocates infanticide. Not yet. Christian physicians will not promote infanticide until the humanist medical profession has accepted the practice for at least five years, and even then not unless the net income per execution is significantly higher than performing an abortion in, say, the third trimester of pregnancy. After all, these are men of conscience—not as ethical as the Pharaoh of the enslavement, who at least would not have deliberately executed Egyptian infants as he did the Hebrew infants, but good enough in their own eyes.[109]

It is gratifying that the Board of Inter-Varsity Christian Fellowship overturned the decision of the editor of Inter-Varsity Press to publish the book. They pulled this book off the market in September of 1984. They did so reluctantly, under tremendous pressure and the threat of loss of financial support. Their public relations man said, "We did not publish, nor did Dr. Jones write, the book with the intention of supporting abortion in any way. However, the book is being perceived by the Christian public that way."[110] Nonsense; the board capitulated to pressures that came because Dr. Jones' book demonstrates every sign of being precisely what it was perceived to be: a tract written in defense of therapeutic abortion. The fact that a book such as *Brave New People* was published in the name of Jesus testifies to the theological degeneracy of influential segments of the so-called "neo-evangelical" movement in the final decades of the twentieth century. Only financial pressure from principled Christians and controversy in the media brought the change. As U.S. Senator Everett Dirksen put it, "When I feel the heat, I see the light." The destroyers much prefer darkness because their deeds are evil (John 3:19). (Sadly, Eerdmans republished it in 1985.)

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108. Franky Schaeffer, *Bad News for Modern Man: An Agenda for Christian Activism* (Westchester, Illinois: Crossway Books, 1984), p. 84. Schaeffer subsequently rejected his work as a Christian conservative activist. Frank Schaeffer, *Crazy for God: How I Grew Up as One of the Elect, Helped Found the Religious Right, and Lived to Take All (or Almost All) of It Back* (Cambridge, Massachusetts: DaCapo Press, 2007).

109. I have included this somewhat lengthy discussion of Christian abortion as part of a consideration of the exodus, because theology must be applied to historical situations, and commentators dare not ignore the theological issues of their eras. Those reading this chapter in a hundred years or a thousand years will not, I trust, be facing anything so preposterous and morally corrupt as Christian abortionism. But in the late twentieth century, it was a problem—one which points to either a coming revival or a coming judgment, or both. God will spew these people out of His mouth, just as He did with the church at Laodicea (Rev. 3:16). He will throw out the baby-killers with the bathwater of humanism.

110. *Christianity Today* (Sept. 21, 1984), p. 63.

F. Unholy Crusades

1. Medieval Crusades

A standard cliché used against the idea of Christian civilization is this: "What would you do, inaugurate another series of holy crusades?" This sort of comment implicitly assumes that religious warfare is uniquely the product of Christianity, and it also assumes that the crusades characterized Christian medieval civilization. Both assumptions are false.

First, the term "crusade" was never used in the era in which the four major ones took place, 1096–1204. It is a modern term. "People at that time spoke of the road to Jerusalem, the voyage, the journey, the pilgrimage."[111] Second, a crusade was perceived as a defensive war against an expansionist Islamic empire.[112] Third, the wars were supposed to be battles between professional armies. Except for the outrageous sack of Constantinople, in the fourth crusade of 1204,[113] common people were not deliberately chosen as victims. The feudal judicial order in Europe was essentially military, and a code of military honor governed warfare. It was considered dishonorable for a soldier to battle against peasants or commoners—a violation of the separation of status groups. Finally, the armies were tiny, and so were the ships that carried them. Green's summary brings things into perspective:

> It would be impossible to talk of a nation in arms in the Middle Ages. Most wars were fought by small armies, costly for those who equipped them, but lacking in the total effort which typifies modern warfare. Kings who started wars had no wish to exterminate or unduly spoil their adversary; they wanted to bring the issue to a successful negotiated conclusion. Wars were rarely national in any modern sense of the word, but conflicts over rights and honour.... Moreover the numbers involved were small. The Viking raiders (each of whose ships can hardly have carried more than thirty-five warriors) can rarely have had more than 1,000 men at their disposal. When William of Normandy invaded England in 1066 he cannot have had many more than 5,000 men.... The Normans who conquered Sicily started their venture in 1061 with some 160 knights and never in any subsequent campaign appear to have had more than 700 at their disposal.[114]

111. Regine Pernoud, *The Crusades* (New York: Capricorn, 1964), p. 13.

112. *Ibid.*, pp. 15–17.

113. The crusaders had only raised half of their expected troops, so they could pay only two-thirds of their transportation bills to the Venetians, who demanded payment. Finally, they sacked Constantinople to get the needed funds. R. W. Southern, *The Making of the Middle Ages* (New Haven, Connecticut: Yale University Press, 1953), p. 58.

114. V. H. H. Green, *Medieval Civilization in Western Europe* (New York: St. Martins, 1971), p. 238.

2. The Twentieth Century

In sharp contrast to the crusades—four limited, brief medieval battles, three of which were battles between small professional armies, Christian and Muslim—the twentieth century became the century of mass executions of civilian populations by the civil governments established by God to enforce His law (Rom. 13:1–7).[115] Modern warfare has become total, sparing almost no one and few institutions. In World War II, more civilians were killed than combatants.[116] The saturation bombing of civilians was standard operating policy by the Germans and the Allies, culminating in the senseless bombing of Dresden, a German city with no military targets, in the spring of 1945, where at least 25,000 civilians, and possibly 40,000, perished in huge fire storms that were created when 1,300 bombers dropped 3,900 tons of incendiary bombs on the defenseless city.[117] "Air raids involving the indiscriminate killing of enormous numbers of civilians were the current step in the natural evolution of the art of war. The very concept of the civilian hardly remained valid. The traditional distinction between men setting forth to risk their lives and those who stayed behind out of range of death disappeared in the first half of the twentieth century."[118] Yet there is little evidence that such indiscriminate area bombing contributed significantly to the defeat of Germany.[119]

The military defense strategy adopted by the United States government during the Kennedy Administration, "mutual assured destruction" (MAD), involved the threat of massive nuclear retaliation as the only defensive posture—in effect, holding the Soviet Union's civilians captive to our missiles (aimed at urban targets), and allowing the Soviet Union to hold our civilians captive by doing the same thing with their missiles. The Soviets wisely adopted the more traditional approach: targeting military targets, especially our missile silos, as the chosen objectives of a nuclear first strike.[120]

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115. Gary North, *Cooperation and Dominion: An Economic Commentary on Romans*, 2nd ed. (Dallas, Georgia: Point Five Press, [2000] 2012), ch. 17.

116. Carroll Quigley, *Tragedy and Hope: A History of the World in Our* Time (New York: Macmillan, 1966), p. 661.

117. "Bombing of Dresden," *Wikipedia*.

118. Peter Calvocoressi and Guy Wint, *Total War: Causes and Courses of the Second World War* (New York: Penguin, [1972] 1981), p. 489.

119. *Ibid*., p. 508.

120. One vociferous opponent of MAD was retired U.S. Army General Albion Knight, who was also an ordained Episcopalian minister. He wrote: ". . . we have supported the Soviet march to military superiority by the strategic doctrine called Mutual

Warfare was not the only source of civilian deaths in that grim century. Domestic wars against civilian populations were launched repeatedly by national governments established to defend their people from injustice. The Nazi concentration camps are well known, but they are only one example among many.

The numbers of man-caused deaths in the twentieth century were so huge as to defy calculation. Gil Elliot settled on a total of 110 million, through 1969. He admitted that it could be as "low" as 80 million, but as high as 150 million.[121] China was the great unknown.

> To set such a figure against the scale of violence in previous times involves the difficulties of comparing like periods and of allowing for population increase. However, every attempt to do so shows the twentieth century to be incomparably the more violent period.
>
> It is possible—in my view, certain—that in a future perspective this explosion of human lives will be seen as the significant 'history' of our period. Yet the events which have accumulated to form this history—millions upon millions of individual violent deaths—are often recorded in the historical footnotes or in quickly read and rather meaningless statistics. Many written histories don't even mention them, although dealing in detail with the events that led up to and followed them.[122]

Let me cite an example from his book. It is so obscure that it does not even appear in the book's index. He simply listed it in a chapter on minor conflicts. It is the Chaco War. Have you ever heard of it? Of course not. Neither had I. It was a war between Paraguay and Bolivia that took place between 1928 and 1935. The number of deaths in that war was 500,000.[123] That matched the death toll of the Greco-Turkish War of 1919–22, which was going on at the same time as the Russo-Polish war of 1919–21, which claimed 200,000 lives. The Mexican revolution of 1910–20—the first successful socialist revolution in modern times—took 2 million lives.[124] These were all minor

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Assured Destruction (MAD) whereby, should the Soviet Union's attack, we would respond by destroying a percentage of the Soviet population. The doctrine requires us to strike cities and avoid military strategic weapon systems, while intentionally leaving our own people unprotected from a Soviet bomber or missile attack. The success of the strategy depends on the Soviet Union taking the same approach so as to make us mutually vulnerable. Thus, according to MAD, few weapons, especially defense weapons, are needed." Predictably, he pointed out, the Soviets rejected the whole concept. *The Defense of America: From Assured Destruction to Assured Survival* (Houston, Texas: Texas Policy Institute, 1983), pp. 5–6.

121. Gil Elliot, *Twentieth Century Book of the Dead* (New York: Scribner's, 1972), p. 1.

122. *Idem*.

123. *Ibid*., p. 99.

124. *Ibid*., p. 98.

wars in the twentieth century, seldom mentioned in textbooks. On page 155 of his book appears the most horrifying statistical chart I have ever seen: “The Death Process”:

	Individual Identity			
	MEN	MEN with some WOMEN, say 10%	MEN, WOMEN & CHILDREN	TOTAL
	Millions of Deaths			
CAMP PRIVATION				20
Enclosed ghetto			1	1
Prisoner-of-war camp	4.5			4.5
Concentration Camp		2	0.5	2.5
Labour Camp		12		12
CITY PRIVATION				16
Unenclosed ghetto			1	1
Siege			1	1
Occupation			6	6
City dislocation			8	8
DIFFUSE PRIVATION				26.5
Transit			1.5	1.5
Combat	1			1
Economic blockade			2	2
Man-made famine			5	5
Scorched earth			2	2
War dislocation			12	12
HARDWARE				47.5
Big guns	18			18
Small arms—formal execution	4			4
Small arms—massacre	1	1	4	6
Small arms—combat	14			14
Mixed—demographic		3		3
Aerial bombs			1	1
CHEMICALS—GAS			1.5	1.5
TOTALS:				
MEN	42	16	19	77
WOMEN		2	21	23
CHILDREN			10	10
	42	18	50	110

It was only with the political triumph of modern humanism that systematic mass murder began in earnest in human history. When

God became irrelevant in the minds of the world's leaders, the carnage accelerated rapidly. This is humanism's chief legacy to the world. It is a fulfillment of God's warning, "all they that hate me love death" (Prov. 8:36b).

3. The French Revolution

The first modern example of a systematic program of depopulation imposed by a civil government on its own people is the case of the French Revolution. It stood as revolutionary humanism's "preferred model" for the twentieth century: from 1789 to 1795, especially in the final three years. The Reign of Terror was part of a wartime measure to eliminate all enemies of the Revolution. It was also an outcome of the satanic religion of revolution, of regeneration through bloodshed and social chaos. At the end, it was scheduled by Robespierre to become a systematic program of depopulation.

Nesta Webster, in her detailed and deliberately ignored study of the revolution,[125] discussed this program. She cited the reports and memoirs of several of Robespierre's associates. Robespierre, we must remind ourselves, was the head of the famous Committee on Public Safety, which can also be translated "Committee on Public Salvation" [*salut*].[126] Courtois' report was seized at Robespierre's house after the latter's downfall in July of 1794. The report said: "These men, in order to bring us to the happiness of Sparta, wished to annihilate twelve or fifteen millions of the French people. . . ."[127] The population of France at that time was 25 million. A similar story came from Beaulieu, who claimed that a former associate of Robespierre, the Marquis d'Antonelle, told him of Robespierre's theory while the two of them were in prison. "He thought, like the greater number of the revolutionary clubs, that, in order to institute the republic on the ruins of the monarchy, it was necessary to exterminate all those who preferred the latter form of government, and that the former could only become democratic by the destruction of luxury and riches, which form the support of royalty; that equality would never be anything but a chimera as long as men did not all enjoy approximately equal properties;

125. Conventional historian Crane Brinton gave us one of the few references to Mrs. Webster when he contemptuously dismissed her (without mentioning any of her detailed histories of the period) as "frightened Tories like Mrs. Nesta Webster. . . ." Brinton, *The Anatomy of Revolution* (New York: Vintage, [1938] 1952), p. 56.

126. Robert A. Nisbet, *The Sociological Tradition* (New York: Basic Books, 1966), p. 34.

127. Nesta H. Webster, *The French Revolution: A Study in Democracy* (London: Constable, 1919), p. 424.

and finally, that such an order of things could never be established until a third of the population had been suppressed...."[128]

The most impressive testimony came from Gracchus Babeuf, the communist revolutionary who became a model for Karl Marx.[129] Babeuf and his disciple Buonarroti were the great promoters of the religion of revolution. "May everything return to chaos," Babeuf wrote in his *Plebeian Manifesto*, "and out of chaos may there emerge a new and regenerated world."[130] In 1795, Babeuf gave this account of Robespierre's depopulation scheme in his tract, "Sur Ie Systeme de la Depopulation, ou La Vie et les Crimes de Carrier": "Maximilien [Robespierre] and his council had calculated that a real regeneration of France could only be operated by means of a new distribution of territory and of the men who occupied it.... He thought that...depopulation was indispensable, because the calculation had been made that the French population was in excess of the resources of the soil and of the requirements of useful industry, that is to say, that, with us, men jostled each other too much for each to be able to live at ease; that hands were too numerous for the execution of all works of essential utility...."[131]

Webster's analysis of the reasons lying behind the socialists' call for systematic depopulation, written in 1919, is as relevant today—the era of the population hysteria—as it was when she wrote it:

> But could a nation of 25,000,000 be thus transformed? To the regenerators of France it seemed extremely doubtful; already the country was rent with dissentions, and any scheme for universal contentment seemed impossible of attainment. Moreover, the plan of dividing things up into equal shares presented an insuperable difficulty, for it became evident that amongst a population of this size there was not enough money, not enough property, not enough employment, not even at this moment enough bread to go around; no one would be satisfied with his share, and instead of universal contentment, universal dissatisfaction would result. What was to be done? The population was too large for the scheme of the leaders to be carried out successfully, therefore either the scheme must be abandoned or *the population must be diminished*.[132]

128. *Ibid*., pp. 424–25.

129. Karl Marx and Frederick Engels, "Manifesto of the Communist Party" (1848), in Marx and Engels, *Selected Works*, 3 vols. (Moscow: Progress Publishers, [1969] 1977), I, p. 134. Cf. George Lichtheim, *Marxism: An Historical and Critical Study* (New York: Praeger, 1963), pp. 61, 89.

130. Cited in James Billington, *Fire in the Minds of Men: Origins of the Revolutionary Faith* (New York: Basic Books, 1980), p. 75.

131. Cited in Webster, p. 425.

132. *Ibid*., pp. 423–24.

An odd aspect of the French Revolution was that it was officially "pro-marriage" (and therefore presumably pro-natalist) at the same time that the guillotine was in full force. This was also true for Stalin's Russia in the late 1930s, when a pro-marriage reformation of the Soviet law code was passed while he was executing millions, either deliberately or indirectly by putting them into slave labor camps. The French Revolutionary Assembly passed a head tax on unmarried persons over thirty years old. There was even a national celebration to honor husbands and wives.[133] The Nazi policies of the 1930s imitated this same schizophrenia: pro-family tax policies and subsidies for births, yet death-producing slave labor camps for millions.

4. The Armenian Genocide

The next major example of a deliberate policy of population extermination is the Turkish persecution of the Armenians. It came in two waves, in 1895–96 and two decades later in 1915–16. Mass murders were conducted in the first period, and again in 1909 under the so-called Young Turks. In the final wave, the number of victims was at least 800,000 and possibly as high as two million.[134] In this case, the victims were long-term residents of the Ottoman Empire, but were considered religious foreigners.

5. The Soviet Union

The Soviet Union did not use the excuse of "foreign populations" residing in the Soviet empire. The recurring Soviet depopulations were ideologically motivated. The first instances of serious food shortages took place during the First World War. But these were minor compared to the results of the forced collectivization of agriculture, first in the "war communism" phase of the early 1918–22,[135] and second in the early 1930s. The program of forced starvation of small landowners (the "kulaks") in the late 1920s and early 1930s led to resistance by the peasants, and Stalin's response was to starve them into compliance. Historian Paul Johnson quite properly refers to this as Stalin's "colossal exercise in social engineering, the destruction of the independent Russian peasantry."[136] We do not know how many

133. William Petersen, *Population*, p. 148.

134. Dickran H. Boyajian, *Armenia: The Case for a Forgotten Genocide* (Westwood, New Jersey: Educational Books, 1972), p. 1.

135. Lazar Volin, *A Century of Russian Agriculture: From Alexander II to Khrushchev* (Cambridge, Massachusetts: Harvard University Press, 1970), ch. 7.

136. Johnson, *Modern Times*, p. 267.

peasants were executed—or as Stalin said, "liquidated"[137]—during the 1928–31 period, but Stalin once remarked to Churchill that 10 million peasants had been "dealt with."[138] The general estimate is: one-third in concentration camps, one-third murdered, and one-third forcibly transported into Siberia or central Asia. Most of the large-scale violence took place over a few months, from the end of 1929 through early 1930.[139] In 1929, only about 4% of all peasant households were in collective or state farms. In 1930, this had risen to about a quarter of the peasant population. A year later, it was 53%. By 1937, it was 93%.[140]

The peasants, in response, burned their crops and ate their horses and cattle, rather than place this property in the collective farms and state farms. Stalin later admitted that in 1929, the Soviet Union had 34 million horses; only 16.6 million were left in 1934—a loss of 18 million. They also lost 30 million cattle (45% of the total), as well as nearly 100 million sheep and goats, two-thirds of the total.[141] Wrote historian Robert Conquest: "The famine can be blamed quite flatly on Stalin. The crop in 1932 was about 12 percent below average. This was far from being famine level. But procurements of food from the peasantry were up by 44 percent. The result was, and could not have been other than, large-scale starvation. It is perhaps the only case in history of a purely man-made famine. It is also the only major famine whose very existence was ignored or denied by the governmental authorities, and even to a large degree successfully concealed from world opinion."[142] (The one report on the famine by a foreign journalist was Malcolm Muggridge's, which appeared in the *Manchester Guardian* in three installments in March, 1933. He was the only journalist who had been in the famine areas without official supervision. The reaction in Britain to his articles was hostile.)[143] Volin's estimate of famine-produced deaths is five million.[144]

137. *Ibid.*, p. 269. This was the first time that Stalin used the term. It would not be the last.

138. *Ibid.*, p. 271. The reference appears in Vol. 8 of Churchill's *Second World War* (1964), p. 78.

139. *Idem.*

140. Volin, *Russian Agriculture*, p. 211.

141. Isaac Deutcher, *Stalin: A Political Biography* (New York: Vintage, [1949] 1960), p. 325. He cited Stalin's *Problems of Leninism* (Moscow, 1945), p. 480.

142. Robert Conquest, *The Great Terror: Stalin's Purges of the Thirties*, rev. ed. (New York: Collier, 1973), p. 45.

143. Malcolm Muggridge, *Chronicles of Wasted Time: Chronicle I: The Green Stick* (New York: Morrow, 1973), pp. 257–58.

144. Volin, *Russian Agriculture*, p. 233–34.

So desperate was Stalin for foreign currency that he began a series of sales of art treasures, including a famous one to capitalist Andrew Mellon in 1930–31; for $6.5 million, Mellon bought twenty-one paintings that became the basis of the Washington National Gallery.[145]

Johnson's explanation concerning Stalin's economic motivation is to the point:

> There was no theoretical basis in Marxism, or anything else, for what Stalin now did. But it had a certain monstrous logic. There is no point of stability in a state which is socializing itself. It must go either forward or back. If it does not go forward, the power of the market system, which expresses certain basic human instincts of barter and accumulation, is such that it will always reassert itself, and capitalism will make its reappearance. Then the embryo socialist state will collapse. If socialism is to go forward, it must push ahead with large-scale industrialization. That means surplus food or the workers; and surplus food to export to raise money for capital investment. In short the peasants must pay the price for socialist progress. And since they are unwilling to pay this price voluntarily, force must be used, in ever-growing quantities, until their will is broken and they deliver what is required of them. That is the bitter logic of socialist power which Stalin grasped in the 1920s: there was no stable point of rest between a return to capitalism and the use of unlimited force.[146]

Despite the repeated connection between socialism and genocide, this urge to mass destruction is more than mere economics. Stalin's purge of up to a million Communist Party members in the late 1930s indicates that some other motive was involved.[147] The Soviet dissident, Sakharov, wrote that between 1936 and 1939, over 1.2 million Party members went into the camps, and only 50,000 regained their freedom.[148] Total arrests of all citizens in 1938 were probably over 7 million, possibly in the 9 million range.[149] This was in addition to the 5 million already in the camps, and this did not include actual criminals.[150] For 20 years of Stalin's reign, 1930–50, at least 20 million people died in the camps or were executed, and this figure is probably too low; it may have been 30 million dead.[151] The chapter title of Isaac

145. Johnson, *Modern Times*, p. 269.

146. *Ibid.*, p. 268.

147. Robert Conquest provides various estimates. that 500,000 to 1,000,000 people were executed: *Great Terror*, pp. 702, 713. For a profound literary account of the purges, see the novel by Arthur Koestler, *Darkness at Noon*.

148. *Ibid.*, p. 713.

149. *Ibid.*, p. 702.

150. *Ibid.*, p. 708.

151. *Ibid.*, p. 710.

Deutcher's account of the period is hyperbolic, but more accurate than he really believed: "The Gods are Athirst."[152]

6. Asian Communism

This readiness to execute millions for the sake of Communist doctrine was repeated: in Communist China under Mao and in Cambodia in the 1970s. The Chinese death rate is a mystery. In the first phase (1949–51), as many as 15 million may have died, or as few as a million.[153] In the second phase, the period of the "Great Leap Forward" (late 1950s), we simply cannot know for certain. Mosher cited evidence that in 1960 alone, the number of famine-related deaths may have been as high as 30 million, or as low as 11 million.[154] In the third phase, the "Cultural Revolution" of the 1966–68, the Red Guards murdered at least 400,000 people.[155] As for Cambodia, a fifth of the Cambodian population, about 1.2 million people, died during the initial Communist take-over, from April of 1975 until early 1977.[156]

This has been the application of the biblical truth that all those who hate God love death (Prov. 8:36b). The satanic hatred of the image of God in man leads the most consistent satanic commonwealths to depopulate their own populations. Revolutionary socialism and genocide are linked by common theological doctrines, the religion of revolution and the hatred of God's image in man. The economic issues are relevant to genocide—the "fixed pie" doctrine of wealth and the growing number of "eaters"—but not primary.

Conclusion

The continuing propaganda against population growth is part of a comprehensive program of humanistic social regeneration. The image of God, mankind, is seen as a threat to ethically rebellious men. Population growth is therefore a threat to humanism. First, in a finite universe, such population growth points to the limits of time: a final judgment. Second, in a centrally planned economy, any uncontrolled resource is a threat to the overall economic plan. This creates prob-

152. Deutcher, *Stalin*, ch. 9.

153. Johnson, *Modern Times*, p. 548.

154. Mosher, *Broken Earth*, p. 264.

155. Johnson, *Modern Times*, p. 558.

156. *Ibid.*, p. 657. This is the estimate of John Barron and Anthony Paul, *Murder of a Gentle Land* (New York: Reader's Digest Press, 1977), p. 206. This book provides many anecdotal accounts of the ruthless murders and torturings that went on in 1975 and 1976 in Cambodia.

lems—uncertainty—for the planners. Third, in an economy characterized by zero economic growth or declining output—which socialist economies tend to be—a growing population puts pressure on the total number of available economic resources. This leads to political problems. Nevertheless, the economic arguments are secondary. The primary argument is theological. Satan hates mankind. Those who hate God love death. The war against God ultimately involves the death of God's image, mankind. Modern humanism, as it has grown more consistent with its own satanic presuppositions, has adopted as an ideal the philosophy of zero population growth and even population decline. Humanism hates God more than it loves man. Its population ideal is spoken of in the Bible as God's curse.

APPENDIX C

THE LABYRINTH AND THE GARDEN

For Pharaoh will say of the children of Israel, They are entangled in the land, the wilderness hath shut them in.

EXODUS 14:3

A. The Labyrinth in Egypt

The pyramids are one architectural legacy of the death-obsessed religion of Egypt. Another less well known legacy is the labyrinth. The word is derived from the Greek word, *labrys*, the word for the two-headed axe, the design found throughout Knossos, the massive structure excavated by Sir Arthur Evans on the Island of Crete in the early twentieth century.

S. H. Hooke's study of the history and meaning of the labyrinth traces the origin of this almost universal symbol. It began in Egypt. Specifically, the labyrinth design was used for the plans of palaces, but more importantly, for royal tombs and mortuary temples.[1] The sign appears on mortuary jars and other containers that are found in the tombs.[2] "The plan of the Old Kingdom seal-sign is also to be found in the pottery 'soul-houses' from the cemeteries at Rifeh of the 9th and 10th dynasties. Some of these 'soul-houses' show a staircase leading to a floor above the tomb-chamber, where there is a throne. These 'soul-houses' indicate that there was an 'abode' above the

1. S. H. Hooke (ed.), *The Labyrinth: Further Studies in the Relation between Myth and Ritual in the Ancient World* (London: SPCK, 1935), p. 4. It is significant that Sir Arthur Evans, who dug up and misinterpreted the "palace" of Knossos on Crete, believed that the labyrinth was "the palace sign." *Idem*. Evans wrote this in *The Palace of Minos*, vol. I, p. 359.

2. *Idem*.

tomb-chamber, to which the king mounted when he rose from his ritual death."[3]

It is also highly significant that the Egyptian labyrinths were related to the bull, as was the famous "palace" of Knossos on Crete. The bull represented the king-god, and was it brought into the sanctuary on ritual occasions and slain there.[4] Ritual sacrifice and dancing were connected to the bull-god in the Osirian religion, as was also the case in the legend of Crete's King Minos, the deadly Minotaur ("Minos-bull"), and the sacrifices by Minos of the Athenian youths (the legend of Theseus, Ariadne, and Daedalus).[5] Similar links between dancing and labyrinths also exist in Cornwall, England and also in Scandinavia and Northern Russia.[6] It is a dance of death and resurrection.[7]

Hooke pointed out that it was very early in the Egyptian dynasties, in the second dynasty, when kings began to protect their burial places. This had not been true earlier. "Some of these chambers contained the bodies of those who accompanied the king to the after-life, his women and his body-guard who were killed and buried at the time of the royal funeral."[8] The tomb of King Perabsen of the second dynasty was surrounded by a passage, a new feature, according to Sir Flinders Petrie, who excavated it.[9] But, as Hooke said, there seems to have been no social or military reason for hiding the bodies of the kings.[10] The pyramids were an extension of this desire to protect the bodies of the monarchs.

The motivation was religious and ritualistic, not defensive. Hooke wrote:

> While pyramid and temple must be considered as one complex building, the internal construction of the pyramid became elaborate and labyrinthine in character. Nevertheless, the labyrinth name became attached to the temple, and it seems probable that the greater importance of the temple as the place of ritual, associated with Osiris, Amon or Re, as the case might be, would account for this. In the pyramid, and later in the rock-cut tombs, the body of the king was sealed up in his sarcophagus, and the

3. *Ibid.*, p. 5.
4. *Ibid.*, pp. 7, 22–24.
5. *Ibid.*, pp. 24–27.
6. Hans Georg Wunderlich, *The Secret of Crete* (New York: Macmillan, 1974), p. 289.
7. Robert Graves, *The White Goddess: A Historical Grammar of Poetic Myth*, rev. ed. (New York: Farrar, Straus and Giroux, 1966), pp. 329–30.
8. Hooke, *op. cit.*, p. 11.
9. *Ibid.*, p. 12.
10. *Ibid.*, p. 13.

> entrances were blocked up and concealed. Nothing more happened there. But in the adjoining temple everything necessary for his welfare in the after-life was attended to. The plan and construction of the oldest known temple of Osiris at Abydos is interesting, therefore, in connection with the original meaning of the Labyrinth. Especially as [citing Budge] "it is probable that there was a small temple of Osiris attached to every great temple in Egypt, and there is good reason to think that such temples of Osiris were better and more regularly served by the priests than the larger temples."[11]

Both Herodotus and Strabo described a huge Egyptian labyrinth at Hawara. It was a two-storied structure, with 1,500 rooms above and 1,500 below. It was excavated in 1888 by Sir Flinders Petrie.[12] Wunderlich wrote: "The purpose of the costly pyramids and mortuary temples involved in the worship of the dead pharaoh was to propitiate Osiris, to win favor of the god of vegetation. The fifteen hundred burial vaults and dwellings for the dead in the labyrinth [on the bottom or underground floor—G.N.] were meant for provincial sovereigns, princes of the blood and similar highly placed personages of the Twelfth Dynasty of the Middle Kingdom. [This would have been the era of the pharaohs from Joseph to Moses' youth, according to Courville.—G.N.] The labyrinth, therefore, was not a mortuary temple in the strict sense of the word. By that is meant, in Egypt, a structure for the cult of the dead but not a burial place."[13]

B. The "Palace" of Knossos

Wunderlich traced interrelationships between Egypt and Knossos, the so-called "palace" of the legendary King Minos, on the island of Crete. This relationship was recognized by the Roman historian Pliny, whose *Natural History* (XXXVI, 13) says that Daedalus, the designer of the labyrinth at Crete, took the design from Egypt.[14] The palace of Minos, which was so lavishly described—a better word might be "invented"—and partially reconstructed by the British archaeologist Sir Arthur Evans during the first three decades of the twentieth century, was in fact a giant tomb, not a palace. It was never intended to be inhabited by the living. Its soft gypsum floors that can be scratched by a fingernail, its huge and unmovable pithoi (urns), its dark lab-

11. *Ibid*., pp. 14–15.
12. Joseph Campbell, *The Masks of God: Primitive Mythology*, rev. ed. (New York: Penguin, [1969] 1978), p. 70.
13. Wunderlich, *Secret of Crete*, p. 248.
14. Hooke, p. 17.

yrinthine hallways, its lack of any protecting wall, its distance from agriculturally productive land, its "bathtubs" without drain pipes (sarcophagi), and "indoor plumbing" without drain pipes (circulating vents for mummies) all point to a vast cult of the dead, not the residence of the king. The supposedly happy and free-spirited people who were called the Minoans by Evans were figments of his vivid imagination. The Minoans were an integral part of the Bronze Age culture—a demonic, fearful, death-obsessed culture.

These "Minoans" mummified their dead, as the Egyptians did, for similar theological reasons, at least with respect to the dead person's passage through the underworld.[15] As Wunderlich showed, they had trading relations with the Egyptians, who called them the Keftiu.[16] The link with Egypt is testified to by the Egyptian-style clothing of men pictured on the walls of the "palace," as well as by drawings of these "Minoan" people in a tomb in Egypt. Evans dug up an Egyptian statue in the "palace" which was made in the era of Egypt's Twelfth Dynasty.[17] Conversely, Egyptian ruins contain examples of pottery that look like the "Minoan" pottery.[18] (On Evans' misuse of the evidence to make it fit an evolutionary model, see Appendix A: "The Reconstruction of Egypt's Chronology," under the subhead, "Egypt and Crete.")

C. Beyond Crete

The labyrinth is an extremely important symbol. It appears in most of the ancient cultures in one form or another. Sir Arthur Evans discovered numerous coins on Crete that had the Minotaur and labyrinth designs on them.[19] These coins were not contemporaneous with the construction of Knossos, of course; coins began to appear about the sixth century, B.C. Hooke reports that examples of labyrinth designs appear constantly on seals from Asia Minor, Palestine, and Mesopotamia.[20] Archaeologists have discovered labyrinths drawn in rocks in Britain and Scandinavia. Hooke recognized this as the probable product of trade between the Mediterranean and the Baltic region.[21] But what Hooke did not know is that the Knossos labyrinth and Minotaur designs have been discovered in pre-Columbus North America and South America.

15. Wunderlich, ch. 21: "A Visit in the Underworld."
16. *Ibid.*, pp. 148, 174–80.
17. Leonard Cottrell, *The Bull of Minos* (New York: Rinehart & Co., 1958), pp. 136–37.
18. *Ibid.*, p. 138.
19. Hooke, pp. 9–10.
20. *Ibid.*, p. 10.
21. *Ibid.*, p. 41.

In rock formations in Oraibi, New Mexico and Cuenca, Ecuador, the labyrinth pattern of Knossos appears. The Minotaur—half bull, half man—is the other famous Cretan design that is closely related to the labyrinth. It has also been found in Texas petroglyphs.[22] The explanation of how they got there is the same: trade. Barry Fell, whose books constitute a true intellectual revolution, argued convincingly that these rock carvings are reproductions of coins that were in circulation in North and South America several centuries before Christ.[23] This, of course, points to a system of worldwide trade—trade which Fell's *Bronze Age America* proves was going on in the second millennium B.C., and probably early in the second millennium.[24]

The labyrinth is likely related symbolically to the garden of Eden, which had the four rivers flowing out of it. It would be a walled or square design surrounding lines resembling a river or rivers. (The wall must have been open only at one place, at the east gate, where God placed the angels: Gen. 3:24.) The later Greek key-pattern of the labyrinth, called a meander,[25] is related linguistically to a river in Phrigia, Maiandros, noted for its winding path.[26] The English word "meander" is applied to both rivers and labyrinthine passages.[27]

Pagan versions of the labyrinth imagery include the swastika or twisted cross. Some scholars (along with their native informers) relate the swastika to the tree of life.[28] But in the Mediterranean world of the Bronze Age, the labyrinth was associated with death. Wunderlich commented:

> . . . a labyrinth is not a necropolis. By necropolises we mean cities of the dead in which the dead are placed singly or together in dwellings or tombs. Necropolises may be attached to labyrinths. But a labyrinth has, in addition to its primary function of serving as a residence for the dead, quite a few additional functions: it is the spiritual center of the surrounding settlements; a religious site; an assembly point; an arena, an archive and scriptorium; a place of judgment, execution and sacrifice; and so on. The great courts and subsidiary buildings serve these purposes, as well as the prime purpose of holding impressive funeral ceremonies, which were accompanied by religious dramas and competitive games complete with music, dancing

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22. Barry Fell, *Saga America* (New York: Times Books, 1974), pp. 104–5.
23. *Ibid.*, pp. 113–14.
24. Barry Fell, *Bronze Age America* (Boston: Little, Brown, 1982).
25. Hooke, p. 7.
26. *Oxford English Dictionary*: "miander."
27. *Idem.*
28. Clyde Keller, "Tree of Life and Labyrinth," *The Epigraphic Society: Occasional Publications*, V (1978), Pt. 2.

> and banquets. In antiquity the usual meaning of a labyrinth as a structure in which the dead rested in the underground rooms was well understood.[29]

D. Gnostic Salvation

1. Secret Knowledge

Joseph Campbell related another tale of the labyrinth from the Melanesian island of Malekula. As the soul approaches the way of the dead to the Land of the Dead, having crossed the waters of death, the guardian of the underworld meets him. This guardian is female. She has drawn a labyrinth design in the ground in front of the entrance. As the soul approaches, she erases half the design. "The voyager must restore the design perfectly if he is to pass through it to the Land of the Dead. Those who fail, the threshold guardian eats. One may understand how very important it must have been, then, to learn the secret of the labyrinth before death; and why the teaching of the secret of immortality is the chief concern of the religious ceremonials of Malekula."[30] *The labyrinth's way of salvation is therefore the way of secret knowledge*. This is the essence of the heresy of gnosticism: salvation by initiation, meaning salvation by secret knowledge. It is a perpetual alternative to salvation by grace through faith.

Campbell was heavily influenced by the psychological and symbolic theories of C. G. Jung. His assessment of the meaning of the labyrinth is suggestive but not definitive. Nevertheless, the connections that he made are important.

> In archaic art, the labyrinth—home of the child-consuming Minotaur—was represented in the figure of a spiral. The spiral also appears spontaneously in certain stages of meditation, as well as to people going to sleep under ether. It is a prominent device, furthermore, at the silent ceremonies within the dark passages of the ancient Irish kingly burial mound of New Grange. These facts suggest that a constellation of images denoting the plunge and dissolution of consciousness in the darkness of non-being must have been employed intentionally, from an early date, to represent the analogy of threshold rites to the mystery of the entry of the child into the womb for birth.... It is obvious that the idea of death-and-rebirth, rebirth through ritual and with a fresh organization of profoundly impressed sign stimuli, is an extremely ancient one in the history of culture....[31]

29. Wunderlich, p. 249.
30. Campbell, *Primitive Mythology*, p. 69. Cf. Mircea Eliade, *Rites and Symbols of Initiation: The Mysteries of Birth and Rebirth* (New York: Harper Torchbook, [1958] 1965), p. 62.
31. *Ibid.*, pp. 65–66.

We know that the garden of Eden was placed eastward in Eden (Gen. 2:8). When God closed its entrance by placing the cherubim and the flaming sword, they were stationed at the east of the garden (Gen. 3:24). *This means that the garden itself must have been an enclosed space.* Its walls protected it from those who would enter it on any terms except those established by God. Man was not to gain access to the tree of life by breaking into the closed space (Gen. 3:22, 24). From the day of man's expulsion, the only way to the tree of life is through ethical conformity to God's standards. The standard is perfection. Regeneration, not the scaling of physical or symbolic walls, is the foundation of eternal life.

The *walled enclosure* is therefore a significant design—one of the most significant in man's history. Pagan cultures again and again return to it. They invest it with many meanings. The heart of the pagan version, the labyrinth, is a closed space in which a winding pathway is dominant. Men who do not know the secret of the pathway are trapped, condemned to wander helplessly. Only by knowing the way out (or in) through the entrance can man attain his eternal goal. The walls, however, cannot be scaled by man.

2. Egypt as Garden-Labyrinth

Egypt was a symbol of the garden. In Abraham's day, it was the place that was spared during the famine (Gen. 12:10). Abraham journeyed to Egypt, but then went back up into Canaan. This was a symbolic resurrection. This was true again in Joseph's day: descent into a "garden," which became a labyrinth or wilderness, and then escape. Jacob wanted his body to be taken up out of Egypt after his death, and buried in the cave in Canaan in which his fathers were buried (Gen. 49:29–32). Joseph wanted his bones dug up and reburied in the promised land (Gen. 50:25). Again, this points to resurrection. So does Joseph's experience in Potiphar's house (the "garden") and his experience in prison ("wilderness-labyrinth"), a walled, enclosed space, from which he was delivered by God into a position of authority.

Goshen was the best of Egypt, and it was given to Israel by Joseph's Pharaoh (Gen. 47:6). Goshen was a garden. It was partially protected from the plagues of Egypt, at least plagues seven through ten (Ex. 8:22–24; 9:6, 26; 10:23; 12). Goshen was to have served as an Edenic training ground for Israel, a kind of headquarters for dominion. But, by Moses' day, the hearts of the Israelites had been captured

by the gods of Egypt, and therefore their bodies had been placed in bondage to the rulers of Egypt. The golden calf in the wilderness testified to their Egyptian faith. They fell once again, just as their father Adam had fallen in his garden environment. The Edenic training ground of Goshen became a wilderness training ground. The Bible's message is clear: *a good environment does not necessarily produce good men*. Men are not saved by manipulating their environment.

Egypt was not seen as a garden by the Egyptians. A garden is a preliminary training ground for redeemed man's dominion in a future-oriented world. This was not the world believed in by the Egyptians. They believed in a static and magical world. Egypt was understood as a labyrinth by Pharaoh. As the children of Israel were escaping, Pharaoh said to his subordinates, "They are entangled in the land, the wilderness hath shut them in" (Ex. 14:3). The barrier of the Red Sea was considered to be impenetrable. Egypt was an "enclosed space." The only visible outlet passed through the land of the Philistines. But God warned Moses not to go by that route, for it might have meant a battle, and the Israelites were not ready for a fight. They might have returned to Egypt (Ex. 13:17). Thus, it appeared to Pharaoh that the Israelites were trapped, "entangled in the land."

What Pharaoh did not expect was that God would penetrate the labyrinth's walls. God could knock down the walls of any labyrinth, or create a passageway through the Red Sea. This was also to be His strategy with the Jordan River and the city of Jericho a generation later. It was not necessary for the Israelites to go through the gates of the city or around the river. *God's answer was a direct assault on the barrier*. The people were led by God's glory-cloud. When the Egyptian army approached, the cloud went behind them. This cloud then served as a barrier to the Egyptians (Ex. 14:19–20), a source of darkness for the Egyptians and a source of light for the Israelites (v. 20). Like the flaming sword of the garden, the flaming glory cloud served as an unpassable barrier to the enemies of God. *God created a protective enclosed space of His people*. The tabernacle and the temple later symbolized this same sort of enclosed space. *At the heart of this enclosed space was ethics*. In the case of the tabernacle and temple, the center was the holy of holies, in which the tablets of the law resided.

The last instance we have in the Bible concerning Egypt as a place of refuge prior to a "resurrection unto dominion" is the case of the parents of Jesus. They obeyed the angel which told them to go down into Egypt (Matt. 2:13–14). This was done to fulfill a messianic

prophecy (Hosea 11:1), "Out of Egypt have I called my son" (Matt. 2:15b). After Herod's death, they returned to Israel (Matt. 2:20–21).[32] Herod, the "guardian" at the "gate" of Israel, was no longer a threat.

3. The Guardian

Men who would have sought to enter Eden's garden needed to bypass the angelic guardians. Similarly, in the Melanesian legend of the labyrinth, the supernatural female guardian serves as the destroyer of anyone who does not know the secret of the labyrinth. The Bible teaches that access through the protected gate is not based on secret knowledge; it is based rather on one's covenantal relationship with the God who assigned the angelic guardians to their place.

Jacob, upon returning from the wilderness experience of labor under Laban, faced a barrier, the Jordan River (Gen. 32:10), and a guardian, his brother Esau. He wrestled all night with a theophany of God who renamed him and gave him a blessing (32:24–29). Moses, upon returning to Egypt with an uncircumcised son named Gershom (from a Hebrew root meaning "driven out"),[33] faced the guardian of the border, an angel, and he was not permitted to pass through until Zipporah circumcised Gershom (Ex. 4:24–26).[34] In another Old Testament judicial arrangement, the fugitive from the *ga'al* (kinsman-redeemer/ avenger of blood) who fled to the safety of the enclosed space of a city of refuge had to wait until the death of the high priest before he could safely return home, for the *ga'al* was the guardian of the route of escape and could lawfully slay him if he passed through the gates of the city (Num. 35:12–28).

4. Resurrection

The garden is a sabbath resting place, a place of refreshment. From the garden men are to march forward in victory. *The garden is the symbol or archetype of paradise. The labyrinth, on the other hand, is the archetype of hell*, and was so understood by the ancients. It is a place from which men need to escape. *Escape from the labyrinth is resurrection*. Thus, the

32. That they should have traveled to Egypt is not surprising. A thriving colony of Jews had lived in Alexandria since the days of Alexander the Great, who had attracted them by promising them the same legal rights that Greeks possessed. They prospered and helped the city to become a major commercial center. Henri Daniel-Rops, *Israel and the Ancient World* (New York: Image, 1964), p. 349.

33. *Strong's Exhaustive Concordance, Hebrew and Chaldee Dictionary*, p. 28, #1644.

34. For a detailed treatment of this deeply symbolic event, see my essay, "The Marriage Supper of the Lamb," *Christianity and Civilization*, 4 (1985).

pagan rituals associated with the labyrinth are rituals of death and resurrection.

The night before His death, Jesus went into a garden. Gethsemane was His place of prayer to God. He told His disciples to continue to watch with Him (Matt. 26:38), to watch and pray (v. 41). He instructed them three times, but the disciples fell asleep each time. They were not ready to defend the garden from invaders. Then the garden was invaded by the authorities, led by Judas, Satan's man. Satan had invaded the garden once again. Jesus was then expelled from the garden, as if He had committed the sin of Adam. He was brought before the judges, as Adam had been brought before God the judge. He was executed, suffering death, just as God had promised to Adam. Then came the resurrection. *Death and resurrection*, given the sin of Adam, is inescapably linked to the *garden* in biblical imagery and biblical history. The question is: Will it be resurrection unto life or resurrection unto the second death (Rev. 20:14)?

Heaven and hell are temporary locations, just as the garden was. They serve as embarkation points. After the resurrection, the heaven-dwellers are returned to the new earth, while the hell-dwellers are dumped into the lake of fire (Rev. 20:14–15). Thus, physical resurrection at the day of judgment is not the basis of escape from the labyrinth. There is no escape after physical death. The only escape is the covenantal-ethical decision made in time and on earth.

5. Barriers

In one sense, *the barriers to escape or entry are broken by Christ*. The veil of the temple was torn at the death of Christ (Matt. 27:51). The stone barrier placed over His tomb by the authorities was rolled away (Matt. 28:2). Christ spoke of the impending fulfillment and removal of the old covenant's ceremonial barriers with the gentile world when He announced that new wine cannot be contained in old containers (Matt. 9:17). Israel would no longer serve as a geographical recapitulation of the garden, for sin had turned it into a gnostic labyrinth. Schlossberg remarked:

> Combining social purpose with expertise sets the stage for a gnosticism in which only the special few have the key to the secrets of the universe. This is not something that can simply be learned from books, although the cognoscenti are almost invariably well-educated. They must also have the requisite "social purpose," for the knowledge required to run society cannot simply be communicated rationally. They are like the Pharisees who

> taught that God gave Moses not only a written law but also an oral one, handed down through the generations to only the privileged few. This was the key to the power of the Pharisees: they had the knowledge to unlock the meaning of the Pentateuch, to be the recipients of wisdom had by no others. Not possessing esoteric knowledge, the masses have no choice but to turn their lives over to the elite to be managed. Never ask the enlightened ones about their track record, which is a series of disguised disasters; just accept on faith that they have the secret to life.[35]

The labyrinthine rules and teachings of pre-Talmudic Judaism had made Israel into a place of death rather than life, a labyrinth rather than a garden. The goal was now to escape the labyrinth. The Christians were warned about 40 years in advance by Jesus not to trust in the walls of Jerusalem when the Roman army encompassed the city, but rather to flee to the hills (Luke 21:20–24). It would mean death to remain, and resurrection to escape. Josephus' account of what happened in A.D. 69–70 offers the horrible evidence of the truth of Christ's predictions concerning Jerusalem. Israel remained a 40-year wilderness experience for the early Jewish-Christian church, one from which they were delivered (forced out) just before the fall of Jerusalem.

On the other hand, *there will always be enclosed sacred space*. The consummated church is described as a walled city (Rev. 21:10–21). Its gates are always open, however (v. 25). There will he no night there, no darkness (v. 25). Today, the church is also a place of refuge, a protected space. We journey weekly to eat with God and be refreshed—what Adam was supposed to have done in the garden. But it is still *a dominion training ground*, which it does not seem to be in the era after the resurrection. It is a place which points to the resurrection of many in the future, for it points backward to the resurrection of Jesus Christ.

E. Wilderness

Moses' career was a three-stage encounter with the labyrinth and the wilderness. For 40 years, he lived in Egypt, which had become a labyrinth for the Israelites. He fled, for he knew his life was doomed in Egypt (Ex. 2:15). For 40 years, he lived as a shepherd in the wilderness. There, in the "backside of the desert," God confronted him at Mount Horeb (Ex. 3:1). He was drawn out of that wilderness back

35. Herbert Schlossberg, *Idols for Destruction: Christian Faith and Its Confrontation with American Society* (Wheaton, Illimois: Crossway, [1983] 1993), pp. 194–95.

into Egypt. Then he spent 40 years in a new wilderness, having been driven out of Egypt. In each case, the number 40 was associated with a wilderness experience.

In each case, this experience involved training. Noah's world had become a labyrinth, a spiritual wilderness, a place fit for judgment. The death of Noah's world was accomplished by 40 days of rain (Gen. 7:17), but he escaped in a massive enclosed space-a garden experience, where he cared for the animals. The army of Israel was stymied for 40 days on the battlefield by the Philistines under Goliath (I Sam. 17:16). Elijah fled into the wilderness (I Kings. 19:4), and journeyed 40 days until he reached Mount Horeb (v. 8), where he lodged in a cave (v. 16), an enclosed space. Jesus also spent 40 days in the wilderness, in preparation for His ministry (Matt. 4:1–2). Moses' 40 years in the wilderness after the exodus points to the wilderness as both a labyrinth and a garden. For the older generation, it was a wilderness. They would all die there, except Joshua and Caleb. For the young, it was more of a garden, with the manna and springs refreshing them daily. It was a place of wandering for the older Israelites—a labyrinth from which there was to be no escape—and a place of training for the young. The way out was through the barrier, the Jordan River (Josh. 3:14–17).

At Gilgal, they were circumcised (Josh. 5:2–4); they celebrated the passover (5:10); and on that day the manna ceased (5:12). The wilderness was no longer their garden; the land of Canaan was, if they would remain faithful and conquer it militarily in the name of the Lord. The way through the garden was direct confrontation, city by city, culture by culture, cutting each off, one by one. It was not a labyrinth for them, not a place of wandering and indirect excursions. The pathway was direct.

1. Broken Walls and Death

When the Israelites fled Egypt, Egypt died. When they fled the wilderness, the manna ceased, and the wilderness returned to its condition as a place of death. When the Israelites attacked the walled cities of Jericho and Ai, these cities died. The whole culture of Canaan died to the extent that the Israelites remained faithful and conquered the people of the land. But when Israel grew rebellious, various civilizations penetrated their walls (the Book of Judges), and finally Assyria and Babylon completed the process. There was no escape, God through His prophets warned them, no safe way out of the land except

through Babylon—to the east. *The east was the place of judgment*. There would be no escape back into Egypt, Jeremiah warned (Jer. 42:19). Those who disbelieved him perished in Egypt when God delivered the Egyptians into the hands of Nebuchadnezzar (Jer. 44:30; 46).

God closed the Old Covenant era with the fall of Jerusalem. Israel had become spiritual Babylon,[36] but in Old Testament times, this meant geographical deliverance. Revelation 12 discusses the fate of ethnic Israel, the "woman" who brought forth the man child who became the deliverer (Rev. 12:5–6, 13–14, 17). Israel had brought Babylon back into the land through the Babylonian Talmud and other eastern practices. The destruction of Israel by Rome was the final judgment on geographic Israel. The Israelites were scattered in all directions. Israel would never again serve as a garden place. *God's garden place today is the institutional church, and only the institutional church*. What seems to be a garden place in our era—modern Israel—is a technological imitation of the garden, not the spiritual place prophesied of old.

2. The End of Old Israel

When men rebel against God, they are driven out of the garden. This happened to Adam. It happened to the Israelites when they fled from Egypt. It happened to them again with the invasions of Assyria and Babylon. Finally, it took place under Rome's dominion in 70 A.D. Biblically, we see that when the dragon invades the garden and men subordinate themselves to him ethically and covenantally, he captures them. The only hope of deliverance is ethical deliverance, but in Old Testament times, this meant geographical deliverance. Revelation 12 discusses the fate of ethnic Israel, the "woman" who brought forth the man child who became the deliverer.

> And she brought forth a man child, who was to rule all nations with a rod of iron: and her child was caught up into God, and to his throne. And the woman fled into the wilderness, where she hath a place prepared of God, that they should feed her there a thousand two hundred and threescore days. . . . And when the dragon saw that he was cast unto the earth, he persecuted the woman which brought forth the man child. And to the woman were given two wings of a great eagle, that she might fly into the wilderness, into her place, where she is nourished for a time, and times, and half a time, from the face of the serpent. . . . And the dragon was wroth with the woman, and went to make war with the remnant of her seed, which keep

36. David Chilton, *Paradise Restored: A Biblical Theology of Dominion* (Tyler, Texas: Dominion Press, 1985), ch. 21.

> the commandments of God, and have the testimony of Jesus Christ (Rev. 12:5–6, 13–14, 17).

It is difficult to view the woman as the Christian church in history, since the dragon makes war against her seed when he cannot touch her. It could conceivably refer to the Jewish-Christian church in Israel during the transitional era from Pentecost to the fall of Jerusalem, with the "seed" referring to gentile Christians, who were persecuted in other parts of the Roman Empire. Garden Israel therefore became a wilderness for the Jewish-Christian church. But the wilderness is a place of *temporary residence*, a training ground during a period in which dominion is restricted for the sake of the ethically immature. The problem with identifying the "woman" with the Jewish-Christian church is that this church was not historically impotent. Peter and the apostles had been visited by the Holy Spirit in power. That transitional era church was the headquarters for worldwide evangelism. These are not the activities of a wilderness experience. It therefore seems more likely that the "woman" is ethnic Israel. Ethnic Israel will be regrafted into the olive tree of true faith when the era of the gentiles comes to an end (Rom. 11:11–17, 23–32).[37] Thus, ethnic Israel is presently in the wilderness—outside the framework of dominion history during the era of the gentiles.

F. Labyrinth vs. Garden

For the pagan, the labyrinth was forbidden space. It was to be dealt with through secret initiation and metaphysical manipulation. It represented the nether world, or hell. For the God-fearing man, the garden is the product of ethics, a future goal toward which faithful people labor, first, by self-discipline under biblical law, and second, by external dominion through the imposition of biblical law over every area of life. *The garden is a symbol, not of something foreboding, but of a future paradise. It is heaven on earth, or the new heavens and new earth.*

For the pagan, the labyrinth was marked by its intricate passageways, its endless dead ends, and its enforced wandering. For the God-fearing man, the space within the walls of the enclosed garden is open space. One can go directly to the tree of life, which is in the center of the garden, which is also a city: the new Jerusalem. The garden is the place of righteousness, the place of obedience. "And he shewed

37. John Murray, *The Epistle to the Romans*, 2 vols. (Grand Rapids, Michigan: Eerdmans, 1965), II, pp. 75–103.

me a pure river of water of life, clear as crystal, proceeding out of the throne of God and of the lamb. In the midst of the street of it, and on either side of the river, was there the tree of life, which bare twelve manner of fruits, and yielded her fruit every month: and the leaves of the trees were for the healing of the nations. And there shall be no more curse: but the throne of God and of the lamb shall be in it; and his servants shall serve him" (Rev. 22:1–3).

Adam had the power to have gone straight to the tree of life in the garden of Eden. He did not. He allowed his wife to sidetrack him ethically. Pagans view this detour as essentially a lack of knowledge. Salvation, they believe, is through knowledge, especially secret knowledge. This is the gnostic heresy. Thus, the labyrinth is essentially mysterious, not ethical. For paganism, if a man knows the magic words, "open sesame," the closed doors will open. The labyrinth is a place of riddles.

G. The Sphinx

The Sphinx, which is found in Egypt (half lion, half man) and Greece (half lion, half woman), is also associated with riddles in Greek mythology, for it was the Sphinx which asked Oedipus the famous riddle of the creature with four legs in the morning (man, who crawls as an infant), two legs in the afternoon (man, who walks as an adult), and three legs in the evening (man, who uses a cane in old age). The Sphinx was a guardian. The Sphinx challenged travellers to Thebes and asked them this riddle. Anyone who failed to answer the riddle was throttled and consumed by the Sphinx. Oedipus answered it, delivered Thebes from its clutches, and was made king.[38]

The Sphinx in Greek legend is representative of pagan underground demons in general. Jane Harrison commented: "Two special features characterize the Sphinx: she was a Harpy carrying off men to destruction, an incarnate plague; she was the soothsayer with the evil habit of asking riddles as well as answering them. Both functions, though seemingly alien, were characteristic of underworld bogeys; the myth-making mind put them together and wove out of the two the tale of the unanswered riddle and the consequent deathly pest."[39] The Sphinx was also a tomb-haunter.[40]

38. Robert Graves, *The Greek Myths*, 2 vols. (Baltimore, Maryland: Penguin, 1955), II, p. 10, Sect. 105.e.

39. Jane Harrison, *Prolegomena to the Study of Greek Religion* (New York: Meridian, [1903] 1960), p. 207.

40. *Ibid*., p. 211.

Immanuel Velikovsky identified the historical source of this Greek legend: the Pharaoh Akhnaton. It was not Greece's Thebes that was the original location of these legends; it was Egypt's Thebes. There is strong evidence that Akhnaton committed incest with his mother, Queen Tiy. Furthermore, this queen was associated with the first appearance of a female sphinx. Akhnaton had two sons, Velikovsky speculated, just as Oedipus had. One son, the famous King Tut (Tut-ank-hamen), was buried with great splendor, just at Eteocles was in the Greek legend. The other son, Smenkhkare, was buried ignominiously, just as Polynices was (by his sister Antigone). The uncle of these two sons, Ay, the brother of Queen Tiy, then made himself Pharaoh, just as Creon, the brother of Jocasta, made himself king of Thebes.[41]

This is not some crackpot theory. There is no doubt that Akhnaton was incestuous. C. D. Darlington, the geneticist, accepted Velikovsky's basic outline.[42] So did the distinguished historian, Cyrus Gordon, who called the book a *tour de force*.[43] Three anatomists, using a microseriological method, demonstrated that both Smenkhkare and Tutankhamen belonged to the same rare blood group.[44] This increases the likelihood that these two were brothers, as Velikovsky suggested. The two mummies also had very similar skull structures, two of the anatomists, Harrison and Abdalla, have reported.[45]

H. Akhnaton, the Innovator

Recent scholarship on Akhnaton, who was originally named Amenhotep IV (Amenophis IV), has begun to abandon the pre-Velikovsky humanist adoration of the "king who invented monotheism." Today, we read in utter amazement the early twentieth century assessment of Akhnaton by the otherwise judicious scholar, James Breasted: "In such contemplations he gradually developed ideals and purposes which make him the most remarkable of all the Pharaohs, and the first individual in human history."[46] The first individual in history? It gets worse. ". . . he is alike the first prophet and the first wise-man of history."[47]

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41. Immanual Velikovsky, *Oedipus and Akhnaton: Myth and History* (Garden City, New York: Doubleday, 1960).

42. C. D. Darlington, *The Evolution of Man and Society* (New York: Simon & Schuster, 1969), pp. 118–20.

43. Cyrus Gordon, "Oedipus and Akhnaton," *Pensée*, II (Fall 1972), p. 30.

44. *Nature*, Vol. 224 (Oct. 25, 1969), p. 325.

45. *Antiquity*, Vol. 46 (February 1972), p. 10.

46. James Henry Breasted, *A History of the Ancient Egyptians* (New York: Charles Scribner's Sons, [1905] 1908), p. 265.

47. Ibid., p. 277.

Such obvious nonsense could not go unchallenged forever, and hasn't. Donald Redford's *Akhenaten: The Heretic King* (1984) is a hostile account. This worshipper of the sun disc was a failure. His experiment in monotheism was rejected by his successors, who defaced his monuments. He regarded Akhnaton as a totalitarian.[48]

Redford did not stress the king's incestuous relationship with his mother, Tiy; instead, he hints at his incestuous relationship with his daughter, Meretaten, who was married to Smenkhkare.[49] If Smenkhkare was Akhnaton's son, then the genetic line, already visibly weakened in Akhnaton,[50] must have been jeopardized to a remarkable extent. Akhnaten's wife Nefertiti—this is in addition to his mother Tiy, who was never acknowledged to be his consort—because of the famous bust of her which is housed in the Berlin Museum,[51] is more familiar to most people than he is, although her prominence appears to have been great only during the first five years of his reign, when he had not yet declared his monotheism or moved his capital from Thebes to what is now called Tell-el-Amarna (Akhetaten).[52] (It turns out that as an infant, she had been wet-nursed by the wife of Ay,[53] who was the brother ["Creon," argued Velikovsky] of Queen Tiy.[54] Nefertiti was not the wife of King Tut, contrary to popular opinion.) Redford also acknowledged that Smenkhkare and Tutankhamen were brothers, but not that they were sons of Akhnaton.[55]

Akhnaton was narcissistic. Despite the destruction of his monu-

48. Donald B. Redford, *Akhenaten: The Heretic King* (Princeton University Press, 1984), p. 235.

49. *Ibid*., p. 188.

50. *Ibid*., pp. 57–58.

51. The story of how it got there is a classic tale of bureaucracy and bureaucracy-overcoming. After Napoleon's invasion of Egypt in 1798, the French controlled all archeological exploration in Egypt. This monopoly was retained after 1904 as a result of a British-French agreement. (Thomas Hoving, *Tutankhamun: The Untold Story* [New York: Simon & Schuster Touchstone Book, 1978], pp. 24–25.) All antiquities exported from Egypt had to be approved by the Egyptian Department of Antiquities. In the 1930s, the Germans filled a room with four decades of uncatalogued junk: broken pottery, fragments, and molds of no value. They had never reported anything of significance in this collection. "Hidden" amongst tables full of junk was the head of Nefertiti, which the Germans must have known was a true treasure. Then they informed the director of the Antiquities Department that they intended to send it all back to Berlin. No important find had ever been announced in 40 years, so he sent a young subordinate to inspect the collection for anything of value. The young man did not spot the bust, and Berlin Museum got this treasure. The Egyptians have complained, but to no avail. (Velikovsky, *Oedipus and Akhnaton*, pp. 76–77.)

52. Redford, pp. 78–79.

53. *Ibid*., p. 151.

54. *Ibid*., p. 207.

55. *Ibid*., p. 192.

ments by his successors, we still have more clay and stone bas reliefs of Akhnaton and his family than we possess of the kings and queens of England, from William the Conqueror (1066) to Queen Elizabeth II. Many of the carvings are so detailed anatomically that they can be described as exhibitionistic—unique in Egyptian history.[56]

Akhnaton, Tutankhamen, and Smenkhkare were late eighteenth-dynasty monarchs. They followed Thutmose III by at least a century. Velikovsky's reconstruction indicates that Thutmose III was the Pharaoh Shishak, who invaded Israel in the reign of Rehoboam, the son of Solomon.[57] This was in the fifth year of Rehoboam's reign (II Chron. 12:2). Thus, Akhnaton, the great-great-grandson of Thutmose III,[58] ruled sometime in the mid-tenth century, B.C., not in the mid-fourteenth century B.C., as the conventional histories insist.[59] In short, this Egyptian "inventor of monotheism" may even have been a contemporary of the prophet Isaiah, at least in the prophet's youth. So much for Breasted's "first prophet" theory.

Breasted's laudatory account of Akhnaton also includes the sculpture of the era. The king's artists were instructed to make the king appear lifelike, he surmises (correctly, I would guess). "The modelling of the human figure at this time was so plastic that at the first glance one is sometimes in doubt whether he has before him a product of the Greek age."[60] We are supposed to conclude that in art, as in theology, Akhnaton was also a great innovator. Breasted missed the obvious: the sculptures appear Greek-like because they were contemporaneous with early Greece (Mycenae). Writing of the city of Akhetaton, Velikovsky noted: "Since it was inhabited for only about fifteen years, archaeologists have not had the tedious and often difficult task, encountered in other places, of separating various levels of occupation. Heaps of imported ceramics were found in Akhet-Aton; these came from Mycenae on the Greek mainland, or at least they were of the same manufacture as those found in Mycenae. Archaeologists dubbed a street in Akhet-Aton 'Greek Street' because of the abundance of this ware. On the basis of it, the age of King Akhnaton is established as synchronous with the Mycenaean Age in Greece...."[61]

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56. Velikovsky, *Oedipus and Akhnaton*, p. 78.
57. Velikovsky, *Ages in Chaos* (Garden City, New York: Doubleday, 1952), ch. 4.
58. Redford, *Akhenaten*, genealogical chart, p. 13.
59. Christiane Desroches-Noblecourt, *Tutankhamen* (Boston: New York Graphic Society, [1963] 1978), p. 105.
60. Breasted, p. 279.
61. Velikovsky, *Oedipus and Akhnaton*, pp. 75–76.

Conclusion

Egyptian culture was the dominant influence in the ancient Near East well into the era of classical Greece. The cult of the dead, mummification (Crete), polytheism, labyrinths, and ultimately, the divinization of man: all were Egyptian legacies. All were based on the idea that man is saved, not by ethical regeneration, but by the manipulation of his own environment. For the theology of the garden, it is not the knowledge of riddles which saves a person, but rather the knowledge of the Lord. It is covenantal faithfulness which determines access to the garden and the tree of life, not initiatory knowledge. It is ethics, not knowledge, that is central.

The labyrinth was the satanic imitation of the garden. It was a place of terror, a place of confusion. Success in escaping the labyrinth depended on one's initiatory knowledge of its secret passageways. In other words, it was an emblem of *metaphysical religion*, in contrast to the Bible's *ethical and judicial religion*. It was a magical device which promised to give the initiate power over the underworld through magical manipulation. It was more a charm or talisman than a real place in which men might dwell. It was Egyptian to the core.

APPENDIX D

THE RULE OF LAW AND THE FREE MARKET

By centralizing power, the modern state is re-creating *the pyramid society*, the top-down system of total control—or attempted total control—that destroys the fabric of society. The *caretaker state* steadily replaces the biblical concept of the *night-watchman state*. The most important form of government, responsible self-government under God, is steadily eroded by a new concept of government, the messianic state. Social order also erodes. As the French Catholic social philosopher, Lamennais, wrote in the early nineteenth century, "Centralization induces apoplexy at the center and anemia at the extremities."[1] Nobody has ever put it more graphically than this.

The biblical social order is utterly hostile to the pyramid society. The biblical social order is characterized by the following features. *First*, it is made up of multiple institutional arrangements, each with its own legitimate, limited, and derivative sovereignty under God's universal law. *Second*, each institution possesses a hierarchical chain of command, but these chains of command are essentially appeals courts—"bottom-up" institutions—with the primary duty of responsible action placed on people occupying the lower rungs of authority. *Third*, no single institution has absolute and final authority in any instance; appeal can be made to other sovereign agents of godly judgment. Because no society can attain perfection, there will be instances of injustice, but the social goal is harmony under biblical law, in terms of an orthodox creed. God will judge all men perfectly. The state need not seek perfect justice, nor should citizens be taxed at the

1. Cited by Robert A. Nisbet, *The Sociological Tradition* (New York: Basic Books, 1966), p. 115.

astronomical rates necessary to sustain the quest for perfect justice.[2]

F. A. Hayek made a point, which must be taken seriously by those who seek to explain the relationship between Christianity and the advent of free enterprise capitalism in the West. "There is probably no single factor which has contributed more to the prosperity of the West than the relative certainty of the law which has prevailed here."[3] Economist Thomas Sowell's comments are especially graphic: "Someone who is going to work for many years to have his own home wants some fairly rigid assurance that the house will in fact belong to him—that he cannot be dispossessed by someone who is physically stronger, better armed, or more ruthless, or who is deemed more 'worthy' by political authorities. Rigid assurances are needed that changing fashions, mores, and power relationships will not suddenly deprive him of his property, his children, or his life."[4]

Hayek rejected the validity of the quest for perfect certainty, because "complete certainty of the law is an ideal which we must try to approach but which we can never perfectly attain."[5] His anti-perfectionism regarding the rule of law was also in accord with the anti-perfectionism of Christian social thought in the West.[6] Christianity brought with it a conception of social order that made possible the economic development of the West.

A. Biblical Law and Capitalism

There is no doubt that *formal legal predictability* was a major factor in the rise of capitalism. By "capitalism," I mean a system of private ownership, which involves the freedom of contract, freely fluctuating prices, and a money economy. I am not speaking of traditional political capitalism, such as the tax-farming capitalism of ancient Rome, or the court-oriented capitalism of Spain in the sixteenth century. This is the distinction used by Max Weber to delineate modern from ancient capitalism.

Weber made a very important observation concerning the rela-

2. Macklin Fleming, *The Price of Perfect Justice* (New York: Basic Books, 1974). For an analysis of Fleming's critique of the modern criminal justice system, see my review of the book in *The Journal of Christian Reconstruction*, II (Winter 1975–76).

3. F. A. Hayek, *The Constitution of Liberty* (Chicago: University of Chicago Press, 1960), p. 208. (2011 ed.: ch. 14:3)

4. Thomas Sowell, *Knowledge and Decisions* (New York: Basic Books, 1980), p. 32.

5. Hayek, *Constitution of Liberty*, p. 208.

6. Benjamin B. Warfield, *Perfectionism* (Philadelphia: Presbyterian & Reformed, 1958). This is an abridged version of Warfield's two-volume study, published by Oxford University Press in 1931, and reprinted by Baker Book House in 1981.

tionship between Protestantism and market-oriented capitalism. He sharply distinguished market capitalism from "political capitalism," in which producers sell primarily to the state rather than to a competitive market.

> The closest connection between ethical religion and rational economic development—particularly capitalism—was effected by all the forms of ascetic Protestantism and sectarianism in both Western and Eastern Europe, viz., Zwinglians, Calvinists, Baptists, Mennonites, Quakers, Methodists, and Pietists (both of the Reformed and, to a lesser degree, Lutheran varieties).... Indeed, generally speaking, the inclination to join an ethical, rationed, congregational religion becomes more strongly marked the farther away one gets from those strata which have been the carriers of the type of capitalism which is primarily political in orientation. Since the time of Hammurabi political capitalism has existed wherever there has been tax farming, the profitable provisions of the state's political needs, war, piracy, large-scale usury, and colonization. The tendency toward affiliation with an ethical, rational, congregational religion is more apt to be found the closer one gets to those strata which have been the carriers of the modern rational enterprise, I.e., strata with middle-class economic characteristics....[7]

The idea of *the congregational unit*, where men worship God as equals before the law, where God is not a respecter of persons, where the law is read and understood by all members of the group, and where each man receives his calling to labor before God in a holy occupation, produces a mentality favoring *personal responsibility and production for a universal market*. Men's universal understanding of the civil law reduces the arbitrary decisions of the authorities, and this in turn reduces a major area of uncertainty. This reduction in bureaucratic arbitrariness reduces production costs. Fewer economic resources need to be set aside for bribes or court defense costs.

Yet it is not simply the universality of the legal system that is important. Specific aspects of the legal system, such as the honoring of private contracts, the respect for private property, the nondiscriminatory nature of the tax system, and the restriction of the civil government to the preservation of order, primarily by preserving public peace and preventing private fraud and coercion, have made it possible for capitalism to flourish. *All of these aspects are basic to biblical law*. Four such principles of biblical law come to mind. First, the con-

7. Max Weber, *Economy & Society: An Outline of Interpretive Sociology* (New York: Bedminster Press, [1920] 1968), pp. 479–80; *The Sociology of Religion*, trans. Ephraim Fischoff (Boston: Beacon Press, 1963), pp. 93–94.

cept of the covenant between God and man undergirds the right of private contract. Second, the commandment against theft is basic to the extension of the rights of private property. Third, the tithe, as a fixed percentage of a man's income, preserves the nondiscriminatory nature of taxation. Fourth, the enforcement of honest weights and measures is indicative of the Bible's view of the civil government as essentially a restraining institution, not a positive, initiating force in economic development, and certainly not a coercive agency of wealth redistribution.

Hayek's summary of the principles of a liberal economic order reveals how closely nineteenth-century liberalism resembled the view of civil government held by the Protestant congregational churches in the United States, Holland, and Britain in the eighteenth century.[8] In short, *nineteenth-century liberalism was the humanists' version of work out your salvation with fear and trembling*. When humanism's evangelists and social theorists finally persuaded men (especially leaders) to cease fearing God and trembling in His presence, the classical liberal economic order was doomed. Rather than killing God, classical liberalism killed itself.[9]

B. Whose Law Is Sovereign?

A few modern secular scholars still give lip-service to classical liberalism's idea of the rule of law. The advocates of classical liberalism in the nineteenth century, most notably the English economist and social theorist, John Stuart Mill[10] and the constitutional scholar, A. V. Dicey[11] believed in the idea of the rule of law. The problem that faced

8. Hayek wrote elsewhere (in language as convoluted as Weber's): "The extension of an order of peace beyond the small purpose-oriented organization became thus possible by the extension of purpose-independent ('formal') rules of just conduct to the relations with other men who did not pursue the same concrete ends or hold the same values except those abstract rules—rules which did not impose obligations for particular actions (which always presuppose a concrete end) but consisted solely in prohibitions from infringing the protected domain of each which these rules enable us to determine. Liberalism is therefore inseparable from the institution of private property which is the name we usually give to the material part of this protected individual domain." Hayek, "The Principles of a Liberal Social Order" (1966), in Hayek, *Studies in Philosophy, Politics and Economics* (Chicago: University of Chicago Press, 1967), p. 165.

9. Gary North, *Sovereignty and Dominion: An Economic Commentary on Genesis* (Dallas, Georgia: Point Five Press, [1982] 2012), Appendix A: "From Cosmic Purposelessness to Humanistic Sovereignty."

10. Mill, *On Liberty* (1859).

11. A. V. Dicey, *An Introduction to the Study of the Law of the Constitution*, 8th ed. (Indianapolis, Indiana: Liberty Classics, [1915] 1982). Cf. Richard Cosgrove, *The Rule of Law: Albert Venn Dicey, Victorian Jurist* (Chapel Hill: University of North Carolina Press, 1980).

these legal theorists—a problem that they never overcame—was the problem of the *content* of the law. They frequently accepted the validity of *formal rationalism*, which meant that they wanted to establish formal "rules of the game" for all participants in society to observe. They wanted *legal predictability*. On the other hand, they could not agree on the *substantive principles of law*, meaning the ethical rules and regulations that ought to be imposed on all members of society. They saw the formal rationalism of law as the "universal," but substantive rationalism—ethics, in other words—resisted treatment by any universally agreed-upon human logic, since the existence of such a universal logic is perhaps the most outrageous myth of human autonomy. It has not existed since the Fall of man. The myth of intellectual or moral neutrality finally died in the final third of the twentieth century, but it enjoyed a long life and a lingering terminal illness.

1. Max Weber

Max Weber, writing of substantive rationality or value rationality, concluded: "There is an infinite number of possible value scales for this type of rationality, of which the socialist and communist standards constitute only one group. The latter, although by no means unambiguous in themselves, always involve elements of social justice and equality. Others are criteria of status distinctions, or of the capacity for power, especially of the war capacity, of a political unit; all these and many others are of potential 'substantive' significance."[12] What is important is that *no system of purely formal philosophical inquiry can determine which of these substantive or ethical systems is valid or universal*. More than this, Weber concluded: formal rationality (legal predictability) will always be in tension with substantive rationality (ethics). Humanist ethics are always pluralistic. There is no unifying set of ethical principles that will unify mankind's ethical vision; therefore, formal rationalism can never escape a dialectical tension with substantive rationalism.

Humanist scholars have singled out the operations of the free market as an example of this supposedly inescapable perpetual tension. The market is essentially a huge auction. Producers of goods and services sell to those who bid highest in terms of the monetary unit, irrespective of moral criteria, Weber said. Weber, as a liberal social

12. Weber, *Economy & Society*, p. 86. A slightly different translation appears in Weber, *The Theory of Social and Economic Organization*, trans. Talcot Parsons (New York: Free Press, 1947), pp. 185–86.

democrat during his most productive years (1904–20), was willing to admit that formal rationality and substantive rationality did fit together quite well from the latter decades of the nineteenth century. "The reasons lie in the nature of the incentives which are set into motion by the type of economically oriented social action which alone is adequate to money calculations. But it nevertheless holds true under all circumstances that formal rationality itself does not tell us anything about real want satisfaction unless it is combined with an analysis of the distribution of income."[13]

This supposed tension between efficiency and ethics has made the free market, both in terms of practice and theory, vulnerable to ethical criticism, and the critics have been both the socialists and the conservative traditionalists, sometimes joining together in their lambasting of the market.[14] Why this two-sided ethical criticism of economic freedom? Tyrrell's answer is incisive: both the socialist and the reactionary conservative share *a hatred for the present*. "Today's socialist is not greatly different, in truth, from the reactionary. The latter idealizes a past that never was. The former idealizes a future that never will be. Both have an unscotchable and irrational yearning to escape the present or to destroy it."[15] Equally incisive is Clarence Carson's observation that European conservatives and socialists share a common

13. Weber, *Economy & Society*, p. 109; *Social & Economic Organization*, p. 212.

14. Gertrude Himmelfarb, *The Idea of Poverty: England in the Early Industrial Age* (New York: Knopf, 1984), ch. 8: "The Tory Opposition: Paternalism and Humanitarianism"; Nisbet, *Sociological Tradition*, pp. 25–28. The best example of this is Engels' use of the famous Sadler Committee's (1832) criticisms of industrialism's abuses against children: *Condition of the Working Class in England in 1844* (1845). The Sadler Committee was headed by Michael Thomas Sadler, a Tory. On Sadler and the "high Tories," see Robert Blake, *The Conservative Party from Peel to Churchill* (New York: St. Martin's, 1970), pp. 21–25. See also E. P. Thompson, *The Making of the English Working Class* (New York: Vintage, 1963), pp. 342–43. It was the conservatives under Bismarckian Germany who brought in the first compulsory social welfare programs in the form of insurance schemes for workers, inaugurated in the early 1870s and expanded for almost two decades thereafter: accident insurance funded by employers (1871), sickness insurance (1883), old age insurance (1888): J. H. Clapham, *Economic Development of France and Germany, 1815–1914* (Cambridge: At the University Press, 1966), pp. 336–37. This, however, was done as part of an overall anti-socialist program, a means of defusing worker unrest. This anti-socialist program failed to achieve its short-run objectives; the Social Democratic Party continued to grow. In 1890, when Bismarck proposed the desperation policy of abrogating the constitution, shrinking the franchise, and driving the Social Democrats out of existence, the new emperor, William II, threw Bismarck out of office: Geoffrey Barraclough, *The Origins of Modern Germany* (New York: Capricorn, [1946] 1963), pp. 426–27.

15. R. Emmett Tyrrell, Jr., *The Liberal Crack-Up* (New York: Simon & Schuster, 1984), p. 211.

view of the state, that of a *substitute father*. The American tradition was originally very different. Not only did the Constitution's framers separate church from state at the Federal level, they also separated *parenthood* from state.[16]

2. "Ethical" Critiques of the Market

The standard—indeed, nearly inevitable—criticism of the free market offered by socialist and reactionary critics is that, while the free market provides us with inexpensive goods and services, it nonetheless caters to those who have money to spend. Originally, socialists claimed that socialist economic planning is more efficient than decentralized, individualistic market planning. From Marx to the Fabians in Britain, this was their belief. As late as 1949, a British promoter of socialist planning could write of the British experiment in nationalization of industry: "Here at last a practical test of two vast and so far unproven assumptions is taking place. The first is that a planned socialist system is economically more efficient than a private-enterprise system; the second is that within democratic socialist planning the individual can be given broader social justice, greater security, and more complete freedom than under capitalism."[17] By the 1970s, the proponents of democratic socialism had abandoned the first assumption as erroneous, or at the very least, still unproven. The socialist economies had all failed the test of efficiency in the post-War world. Socialist scholars have grudgingly admitted over the years that free market economic incentives have led to a great outpouring of production. But, they say, this is not enough. They still assert that capitalism necessarily fails the second test, that of social justice. We have to see who gets the wealth. We have to see who is getting rich. We have to see if the needs of the people are being met. Ethics, not efficiency, must be our standard, socialists insist.

This humanistic appeal to ethics is illegitimate. The secular humanist logically cannot appeal to any universal ethical principle in order to criticize any economic outcome of market competition, precisely because *there is no universally agreed-upon humanistic ethical system*, and also because by the standards of rationalism, *we cannot legitimately make interpersonal comparisons of subjective utility*. We cannot legitimately, scientifically add up columns of costs and benefits for

16. Clarence B. Carson, *The World in the Grip of an Idea* (New Rochelle, New York: Arlington House, 1979), p. 289.

17. Francis Williams, *Socialist Britain* (New York: Viking, 1949), p. 5.

whole populations.[18] We cannot subtract the "psychological quantity" (if such a thing existed) lost by one person as the result of some market event from the "psychological addition" gained by another person. I cannot estimate just how much I have gained in an exchange, and then compare it with just how much one of my competitors forfeited by not bidding higher than I bid. Therefore, the attempt of the humanists, whether free market defenders, or economic interventionists, or communists, to make scientifically valid statements concerning the success or failure of any economic system to "deliver the goods" for the benefit of mankind, is an attempt that must inevitably fail as a scientific endeavor.[19] *On the basis of scientific economics, no possible comparison of subjective utilities can be made, one participant's vs. another's.*

Any supposedly "scientific" evaluation between two rival economic systems is totally deceptive. The evaluator must make several assumptions beforehand about what criteria should be used for evaluating success or failure. Such assumptions are scientifically illegitimate. Why? First, there is no universal set of such standards. Second, if one person disagrees with the proposed standards, science or reason has no way to evaluate which criteria are correct. Third, even if we all agreed about these criteria, we could not be sure our assumptions are correct. Fourth, even if we could agree, and then also discover the truth of our agreed-upon standards, we lack the ability to evaluate the success or failure of any program or system, because we cannot tally up costs and benefits, disadvantages and advantages, losers and winners. *Economists cannot make scientifically valid interpersonal comparisons of subjective utility*. This may not sound like a very important observation, but the problem of interpersonal comparisons of subjective utility has undermined the epistemology of every so-called science of economics or social welfare policy. To defend socialistic or free market programs of taxation, coercive wealth redistribution, free trade, or any other economic policy, economists must first scrap the whole structure of modern scientific economics, and then appeal to intuition or metaphysics as the basis of their proposed reforms.[20] They

18. Lionel Robbins, *An Essay on the Nature and Significance of Economic Science* (New York: St. Martins, 1932), p. 140.

19. Cf. North, *Sovereignty and Dominion*, ch. 5.

20. Gary North, "Economics: From Reason to Intuition," in North (ed.), *Foundations of Christian Scholarship: Essays in the Van Til Perspective* (Vallecito, California: Ross House, 1976). For a similar conclusion by radical economists, see Mark A. Lutz and Kenneth Lux, *The Challenge of Humanistic Economics* (Menlo Park, California: Benjamin/Cummings, 1979), pp. 67–69, 97–101.

refuse to admit this, because this would not be in their self-interest. The show must go on.

3. Humanistic Formal Law: A Vain Hope

The quest for a system of *neutral formal law* that also produces universally agreed-upon ethical benefits, and that does not limit the freedom of any of society's members, is a demonic quest. This is why the free market economists and legal theorists can never come to any agreement concerning the extent to which civil governments ought to interfere or refrain from interfering with the operations of the free market. They cannot agree upon the universally valid, or at least universally beneficial, formal legal rules. They certainly have not devised a theory of civil government that preserves the formal freedom of men to change their laws peacefully, yet which simultaneously guarantees full legal predictability to all market participants. This is one reason why nineteenth-century liberalism, which was democratic, decentralist, and free market-oriented, became twentieth-century liberalism, which is bureaucratic, centralist, and interventionist in economic policy. Nineteenth-century liberals wanted to defend political democracy as a means of preserving *peaceful transfers of political power*, yet they also wanted to preserve *legal predictability for market transactions*. As the philosophy of Western social philosophers (and then voters) shifted toward man-directing, bureaucracy-managing evolution, and away from man-responding, market-governed evolution,[21] the formal rules of political democracy allowed the advent of market-disrupting changes in the "economic rules of the game." *The formal rules of political democracy overcame the formal rules of legal predictability and equality before the law*.

C. Legal Predictability and Judicial Sovereignty

What are some of the basic judicial aspects of a legal order that respects the rule of law? Joseph Raz listed eight convenient guidelines:

> 1. All laws should be prospective, open, and clear. One cannot be guided by a retroactive law that does not exist at the time of action.
> 2. Laws should be relatively stable.
> 3. The making of particular laws should be guided by open, stable, clear, and general rules.
> 4. The independence of the judiciary should be guaranteed.

21. North, "From Cosmic Purposelessness to Humanistic Sovereignty," Appendix A in *Sovereignty and Dominion*.

5. The principles of justice must be observed—open and fair hearings, absence of bias.

6. The courts should have review powers over the implementation of the other principles.

7. The courts should be easily accessible.

8. The discretion of crime-preventing agencies should not be allowed to pervert the law.[22]

The emphasis is on legal predictability. However, Raz was overly confident in the courts as protectors of human freedom through the rule of law. What is to prevent the courts from exercising the same sorts of arbitrary rule that are characteristic of legislatures and executives? By establishing the civil court system as finally sovereign, a defender of the rule of law violates the biblical principle of multiple sovereignties. He lodges absolute final sovereignty in a human institution. Freedom can never survive long under such an absolutist system. We have already seen in the United States the creation of what lawyer Carrol Kilgore called judicial tyranny,[23] and what Harvard law professor Raoul Berger called government by judiciary.[24] As Berger concluded: "Let it not be said of us as Gibbon said of Rome: 'The *image* of a free constitution was preserved with decent reverence. The Roman senate *appeared* to possess the sovereign authority, and devolved on the emperors all the executive powers of government.' Here no Senate devolved the policymaking powers on the Court; they are self-conferred only because the American people are unaware that there is a yawning gulf between judicial professions and practice."[25]

To preserve freedom, there must be constitutional provisions that reduce this grant of sovereignty to the courts. One such reduction specified in the U. S. Constitution is the ability of Congress to limit the jurisdiction of the Supreme Court. Congress can determine what sort of cases can be appealed to the Court: "In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a state shall be Party, the supreme Court shall have original jurisdiction. In all the other Cases before mentioned, the supreme Court

22. Joseph Raz, "The Rule of Law and Its Virtue," in Robert L. Cunningham (ed.), *Liberty and the Rule of Law* (College Station, Texas: Texas A&M University Press, 1979), pp. 7–11.

23. Carrol D. Kilgore, *Judicial Tyranny* (Nashville, Tennessee: Nelson, 1977).

24. Raoul Berger, *Government By Judiciary: The Transformation of the Fourteenth Amendment* (Cambridge, Massachusetts: Harvard University Press, 1977).

25. *Ibid.*, pp. 417–18.

shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make" (Art. III, Sec. 2). Congress has the authority to limit the Court's jurisdiction—the "exceptions."[26] This has been an exceptional power in U. S. constitutional history, however, and only occasionally used.[27]

Another important limitation is the jury system. A jury has the ability to decide both the law and the facts in any case. A "not guilty" decision of a jury is irrevocable under the common law rule against double jeopardy.[28] Two historians provided background.

> The idea of the sovereign authority of the jury dates from the jury's earliest appearance. During the Middle Ages the English jury replaced a system that included trials by battle or ordeal, by which the judgment of Heaven was thought to be manifest. The jury system put the responsibility of judgment squarely upon the representatives of the community. Its sovereignty was emphasized by the familiar characterization of the jury as a "barrier . . . between the liberties of the people, and the prerogative of the crown" [*Blackstone's Commentaries*, V, p. 349]. Its almost plenary authority was evident in its familiar power to determine the law as well as the facts. When nineteenth-century judges began giving instructions on the law, formally limiting the jury's function to resolving disputed facts, juries nevertheless continued to exercise control over the law in certain cases by their acknowledged power to return a general verdict of guilt or innocence without stated reasons.[29]

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26. The Court declared in *The Frances Wright* (1882): "[W]hile the appellate power of this court under the Constitution extends to all cases within the judicial power of the United States, actual jurisdiction under the power is confined within such limits as Congress sees fit to prescribe. . . . What those powers shall be, and to what extent they shall be exercised, are, and always have been, proper subjects of legislative control. Authority to limit the jurisdiction necessarily carries with it authority to limit the use of the jurisdiction. Not only may whole classes of cases be kept out of the jurisdiction altogether, but particular classes of questions may be subjected to reexamination and review, while others are not." Cited in Congressional Research Service, *The Constitution of the United States of America: Analysis and Interpretation, Annotations of Cases Decided by the Supreme Court of the United States to June 29, 1972* (Washington, D.C.: Government Printing Office, 1973), pp. 752n–753n. Cf. H. Hart, "The Power of the Congress to Limit the Jurisdiction of the Federal Courts: An Exercise in Dialectic," *Harvard Law Review*, vol. 66 (1953), pp. 1362ff.

27. One example is *Ex Parte McCardle* (1869), where Congress removed the Court's jurisdiction over habeus corpus during Reconstruction. See Alfred H. Kelley and Winfred A. Harbison, *The American Constitution: Its Origins and Development*, rev. ed. (New York: Norton, 1955), pp. 479–80.

28. On double jeopardy, see Martin K. Friedlander, *Double Jeopardy* (Oxford: Clarendon Press, 1969); Jay A. Sigler, *Double Jeopardy: The Development of a Legal and Social Policy* (Ithaca, New York: Cornell University Press, 1969).

29. DaHin H. Oaks and Marvin S. Hill, *Carthage Conspiracy: The Trial of the Accused Assassins of Joseph Smith* (Urbana: University of Illinois Press, 1979), p. 211. Cf. Mark De

Double jeopardy can and should be seen as an outgrowth of Christian legal procedure.[30] It represents an important barrier against the messianic expansion of central power. Local juries can always refuse to convict, which is what happened in the years prior to the American Revolution, especially in cases involving smuggling (violations of the British Empire's import restrictions in the colonies).[31] This created major enforcement problems for the British bureaucracy. From the very founding of the United States, trial by jury was one of the legal pillars of the republic.[32] That the Supreme Court in 1970 unilaterally decided that a six-man jury is adequate, thereby reversing 600 years of common law tradition, was no accident.[33] It was one more assertion of judicial sovereignty.

A related restriction on judicial sovereignty is the executive's pardoning power. The U. S. Constitution grants this power to the President with respect to all Federal crimes, except Impeachment (Art. II, Sec. 2). State constitutions very often grant this pardoning power to the governor. Like jury nullification, this power is only exercised on a case-by-case basis; the decisions do not become binding as precedents.

The biblical principle of *multiple human sovereignties* points to the necessity of creating *checks and balances* on all branches of civil government, including the judiciary. There should be no unitary institutional final court of earthly appeal for every conceivable kind of judicial dispute. For some sorts of cases, yes, by agreement among the other branches, but not for every type of case. *Plural sovereignties in civil government are basic to the preservation of liberty*. This is the insight of federalism. There must be no Pharaoh in Israel.

D. Law: Man's Discovery or Man's Creation?

The courts have become the law-makers of final appeal. They interpret the law, apply the law, define the law, and overturn the decisions of legislatures and executives. They have become sovereign in the West. They even make new laws retroactively. Legal scholar Gordon

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Wolfe Howe, "Juries as Judges of Criminal Law," *Harvard Law Review*, vol. 52 (1939), pp. 582ff.; Harry Kalven and Hans Zeisel, *The American Jury* (New York: Little, Brown, 1966), pp. 227–36, 286–97.

30. Greg L. Bahnsen, "Double Jeopardy: A Case Study in the Influence of Christian Legislation," *The Journal of Christian Reconstruction*, II (Winter 1975–76).

31. Charles M. Andrews, *The Colonial Period in American History*, 4 vols. England's *Commercial and Colonial Policy*, vol. 4 (New Haven, Connecticut: Yale University Press, [1938] 1964), pp. 224–26.

32. Berger, *Government By Judiciary*, pp. 399–400.

33. *Ibid.*, ch. 22. The case was *Williams v. Florida* (1970).

Tullock remarked that this writing of new law by the courts is "a bizarre characteristic of Anglo-Saxon law. . . ."[34] He went on to state: "In general, laws should have only future effect, and individuals should not be punished for actions not contrary to the law at the time the actions occurred. The retroactive effect in our law comes from a fact that the judges in mythology were attempting rather to find out what the law actually was than to create new law; hence, when the Supreme Court ruled as to what the law was, this did not create a new rule—it simply made manifest what had already been true. I think this myth is not much longer believed. Unfortunately, the consequence of it—that is, retroactive effect of court decisions—is still with US."[35]

Tullock did not discuss the origin of this "myth" of judge-discovered law. The roots of this idea are Christian. Anglo-Saxon common law was originally based indirectly on Old Testament law. Canon law mixed Roman law and Old Testament law extensively.[36] The language of the Old Testament, including Mosaic law, was used to support all the institutions of Christendom. From the very early stages of Anglo-Saxon law, there was a concept of a "higher law," a concept that governed the writing of the U. S. Constitution.[37] Judges and legislators were supposed to search the Bible, and then search the principles of "right reason," in order to find what God requires from the civil government. Rulers were not to make law; they were to discover *God-made law*—an eternally existing revealed law. This law was believed to be revealed in the Bible and also in the hearts of all men. Rulers were then to apply this law to specific circumstances. But this law was not to be applied retroactively, in the sense of punishing people who had never heard of such law. All men were to know the principles of the law because of their access to instruction in biblical law from priests and magistrates, and also from their own internal reflection based on "right reason."

Hayek's account of the origin of "judge-discovered law" indicates that the concept was originally Christian. It was a medieval idea, especially dominant in England. He stated quite openly that "it might also be said that it was because England retained more of the common medieval ideal of the supremacy of law, which was destroyed

34. Gordon Tullock, "Courts as Legislatures," in Cunningham (ed.), *Liberty and the Rule of Law*, p. 132.

35. *Ibid*., p. 134.

36. Berman, *Law and Revolution*, p. 204.

37. Edwin S. Corwin, *The "Higher Law" Background of American Constitutional Law* (Ithaca, New York: Cornell University Press, 1955).

elsewhere by the rise of absolutism, that she was able to initiate the modern growth of liberty."[38]

> This medieval view, which is profoundly important as background for modern developments, though completely accepted perhaps only during the early Middle Ages, was that "the state cannot itself create or make law, and of course as little abolish or violate law, because this would mean to abolish justice itself, it would be absurd, a sin, a rebellion against God who alone creates law." For centuries it was recognized doctrine that kings or any other human authority could only declare or find the existing law, or modify abuses that had crept in, and not create law. Only gradually, during the later Middle Ages, did the conception of deliberate creation of new law—legislation as we know it—come to be accepted. In England, Parliament thus developed from what had been mainly a law-finding body to a law-creating one.[39]

He might also have added that it was the American colonists' hostility to the assertion of unlimited Parliamentary sovereignty in making laws that was a major factor in the coming of the American Revolution.[40] They believed, especially after 1770, that the common law of England could make void certain acts of Parliament, a doctrine taken directly from the writings of the early seventeenth-century English jurist Sir Edward Coke [COOK], who had greater influence on this point in the thinking of colonial lawyers before the Revolution than the *Commentaries* of Blackstone, who was a defender of Parliamentary sovereignty.[41] The American ideal of the doctrine of judicial supremacy and constitutionalism was not invented by Chief Justice John Marshall.[42]

Hayek traced the origin of Western legal liberty to the struggles between Parliament and Crown in the Puritan revolution or British Civil War, and subsequently in the Glorious Revolution of 1688.[43] There was a concerted effort to secure the independence of judges.

38. Hayek, *Constitution of Liberty*, p. 163. (2011 ed.: ch. 11:1)

39. *Idem*.

40. Bernard Bailyn, *The Ideological Origins of the American Revolution* (Cambridge, Massachusetts: Belknap Press of Harvard University Press, 1967), ch. 5; Edmund S. Morgan and Helen S. Morgan, *The Stamp Act Crisis: Prologue to Revolution*, rev. ed. (New York: Collier, 1963); R. J. Rushdoony, *This Independent Republic: Studies in the Nature and Meaning of American History* (Vallecito, California: Ross House, [1964] 2001), ch. 4: "Sovereignty."

41. Randolph G. Adams, *Political Ideas of the American Revolution: Britannic- American Contributions to the Problem of Imperial Organization, 1765–1775*, 2nd ed. (New York: Barnes & Noble, [1939] 1958), p. 141.

42. *Ibid*., p. 142.

43. Hayek, *Constitution of Liberty*, p. 169. (2011 ed.: ch. 11:4)

The debates from 1641 to 1660 focused on the prevention of arbitrary actions by the civil government. Hayek even noted the influence of Puritan Samuel Rutherford's defense of the rule of biblical law: "Throughout, the governing idea was that the law should be king or, as one of the polemical tracts of the period expressed it, *Lex, Rex*."[44]

This faith in biblical law, and subsequently the faith in independent natural law and right reason, began to wane as a result of rationalism and secularism, especially after Darwin, for Darwin destroyed men's faith in nature, including morality "naturally" in harmony with the forces of nature.[45] Because there is no longer a doctrine of fixed and infallible revealed law to govern the courts, and no longer any faith in a universal "higher law," the courts have become autonomous law-givers.

"Unfortunately," wrote Tullock, "although legislatures realized a long time ago that they were writing new law, the courts have only very, very gradually come to the realization that they are doing the same thing. Further, when they did realize sometime in the nineteenth century, that they were writing new law, they continued making their decisions retroactive. It is only in the past ten years that the U. S. Supreme Court has begun to act as if it realized it was making retroactive decisions. Up to that time, the Court had always acted as if any decision was the discovery of a preexisting law rather than the formulation of new law, although surely judges were aware of the hypocrisy of this position for a least a hundred years."[46]

E. Democracy vs. Bureaucracy

Thus, with the abandonment of faith in revealed law that is open to both judge and jury, citizen and legislature, humanistic civil law has become perverse. Judges instruct juries to decide only in terms of the facts, not the validity of the law, when in fact the juries unquestionably have the authority and the power to interpret and apply both. Legislatures write new legislation, but they cannot easily preserve their own sovereignty; bureaucracies "interpret" these laws and are nearly autonomous in applying the laws in whatever way they want, in the name of the legislatures. *Elitist law dominates*. No layman

44. *Idem*.

45. R. J. Rushdoony, *The Biblical Philosophy of History* (Vallecito, California: Ross House, [1969] 2000), p. 7.

46. Tullock, "Courts as Legislatures," in Cunningham (ed.), *Liberty and the Rule of Law*, p. 135.

is supposed to be able to understand the law. He must become subservient to the experts. Democracy, which is supposedly the process of widening the franchise and widening the base of political sovereignty, becomes progressively bureaucratic and elitist. Increasingly, elitist rule is governed by the principle of secrecy, or to reverse President Wilson's dictum, of "closed covenants secretly arrived at." Max Weber described the process well: "Every bureaucracy seeks to increase the superiority of the professionally informed by keeping their knowledge and intentions secret. Bureaucratic administration always tends to be an administration of 'secret sessions': in so far as it can, it hides knowledge and action from criticism.... Political parties do not proceed differently, in spite of all the ostensible publicity of all Catholic congresses and party conventions. With the increasing bureaucratization of party organizations, this secrecy will prevail even more."[47] The triumph of secret societies and secret accommodations in twentieth-century politics, both domestic and international,[48] was a product of the West's waning faith in God's revealed, open, and universally binding law.

We have come full circle. We are back to the pagan concept of true citizenship, based on membership in a clan that possesses secret knowledge. The pagan clan of antiquity was a bloodline clan, mitigated only by adoption. Citizens possessed the secret knowledge of the sacred rites—including political rites—through initiation into ritual mysteries. There are only formal differences between the two forms of pagan initiation, ancient and modern. Today, access to membership in the clan is also based on a kind of initiation, namely, the possession of specialized academic degrees or a certificate granted to those who have passed specialized examinations.[49] All of this has been accomplished in the name of the new religion, democracy, the apotheosis of mankind, but it has led to a new servitude, a new bondage, and to governing by arbitrary rules rather than universal law. The rhetoric of democracy—the sovereignty of the people—has led directly to its antithesis, the sovereignty of elites over the people in the name of the people. Weber wrote:

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47. Max Weber, "Bureaucracy," in H. H. Gerth and C. Wright Mills (eds.), *From Max Weber: Essays in Sociology* (New York: Oxford University Press, 1946), p. 233. The same passage appears in *Economy & Society*, p. 992.

48. Carroll Quigley, *Tragedy and Hope: A History of the World in Our Time* (New York: Macmillan, 1966).

49. Weber, "Bureaucracy," pp. 240–44; *Economy & Society*, pp. 998–1001.

> We must expressly recall at this point that the political concept of democracy, deduced from the "equal rights" of the governed, includes these postulates: (1) prevention of the development of a closed status group of officials in the interest of a universal accessibility of office, and (2) minimization of the authority of officialdom in the interest of expanding the sphere of influence of "public opinion" as far as practicable. Hence, wherever possible, political democracy strives to shorten the term of office by election and recall and by not binding the candidate to a special expertness. Thereby democracy inevitably comes into conflict with the bureaucratic tendencies which, by its fight against notable rule, democracy has produced. The generally loose term "democratization" cannot be used here, in so far as it is understood to mean the minimization of the civil servants' ruling power in favor of the greatest possible "direct" rule of the demos, which in practice means the respective party leaders of the demos. The most decisive thing here—indeed it is rather exclusively so—is the leveling of the governed in opposition to the ruling and bureaucratically articulated group, which in its turn may occupy a quite autocratic position, both in fact and in form.[50]

Tullock wanted something better. He wanted a return to the "good old days" of simple, predictable laws. He knew that he was unlikely to get his wish. "A switch to a system in which the bulk of the law is a code and there is a central body which produces detailed glosses upon it, the whole thing being relatively short and compact, would reduce immense amounts of legal human capital to worthlessness. Thus, the lawyers have the combination of very strong feeling with which they have been indoctrinated, even stronger material grounds for wanting their present position to remain stable, and practically a monopoly of all decision-making posts in our present system. Under the circumstances, I doubt very much if my arguments here will have any political effect."[51] He blamed the economic self-interest of the judicial elite for our plight, but the problem is far deeper. Our problem is the abandonment of Christianity and biblical law.

F. Hayek's Dilemma: "Social Justice"

F. A. Hayek (1899–1992), whose intellectual roots were in late-nineteenth-century liberalism, produced a series of books dealing with formal law and market freedom. His most famous and influential book, *The Road to Serfdom* (1944), argued that economic intervention by the civil government would eventually destroy the institutions of

50. *Ibid.*, p. 226; *Economy & Society*, p. 985.
51. Tullock, in Cunningham (ed.), *Liberty and the Rule of* Law, p. 144.

political democracy, for the bureaucracies created by socialism would eventually concentrate decision-making powers in the hands of the central economic planners. Central economic planning, he argued, would have to result in central planning for everything, since all aspects of human life involve economic choices.

In his later book, *The Constitution of Liberty* (1960), Hayek argued for the rule of law. He proposed a system of law that would be universally understood, where the "rules of the game" would be known by all participants in advance, thereby reducing the arbitrariness and unpredictability of the bureaucrats. But he could not guarantee market predictability by means of universally applicable law, as his critics immediately reminded him. Civil law can be changed. The law system may be unfair from the very beginning, discriminating against those who become economically successful.

Hayek devoted the remainder of his distinguished career to the problem of legal order. He asked: How can we insulate the institutions of political democracy from those elements in society that are opposed to formal liberty, formal rationalism, economic inequality, and legal predictability? How can we preserve a working relationship between formal rationalism and substantive rationalism? He never came up with a generally acceptable answer—acceptable to free market defenders, let alone to envy-dominated socialists and Communist revolutionaries. We therefore need to examine his thinking in detail, for if he could successfully defend the humanistic ideal of the rule of law, then Christians should have much greater confidence in a defense of the Christian ideal of the rule of biblical law.

Hayek did not equate liberalism with formal legalism as such. He said that liberalism also requires specific content to formal rationality, namely, *constitutionally limited civil government*.[52] Coercion by the civil government must be restricted by constitutional and statute law. Only this will permit the establishment of what he called the "spontaneous order," or (less felicitously but more revealingly) the "self-generating order" or "self-organizing structures."[53] He wrote: "But if liberalism presupposes the enforcement of rules of just conduct and expects a desirable spontaneous order to form itself only if appropriate rules of just conduct are in fact observed, it also wants to restrict the coercive powers of government to the enforcement of such rules

52. Hayek, *Law, Legislation and Liberty*, III, *The Political Order of a Free People* (Chicago: University of Chicago Press, 1979).

53. *Ibid.*, p xii.

of just conduct, including at least one prescribing a positive duty, namely, the rule requiring citizens to contribute according to uniform principles not only to the cost of enforcing those rules but also to the costs of the non-coercive service functions of government which we shall presently consider."[54]

Hayek introduced the concept of "non-coercive service functions of government." At this point, he made at least *formal peace with the welfare state*, and therefore with its system of tax-financed social security. He went on: "Liberalism is therefore the same as the demand for the rule of law in the classical sense of the term according to which the coercive functions of government are strictly limited to the enforcement of uniform rules of law, meaning uniform rules of just conduct towards one's fellows."[55] But what if these "uniform rules" discriminate against a particular economic group? The graduated income tax is one example. There are thousands of others, since virtually all of the modern welfare state's legislation is economically discriminatory.

1. The Preservation of Social Order: Market or State?

Hayek was caught in a dilemma. He wanted a social order that actually preserves order. He wanted a society that is rational, both formally and substantively. On the one hand, he wanted legal predictability (formal rationalism). *He wanted equality before the law*. The problem is, market competition produces economic winners and losers. "From the fact that people are very different it follows that, if we treat them equally, the result must be inequality in their actual position, and that the only way to place them in an equal position would be to treat them differently. Equality before the law and material equality are therefore not only different but are in conflict with each other; and we can achieve either the one or the other, but not both at the same time. The equality before the law that freedom requires leads to material inequality."[56] *The losers can and do use democratic politics to redistribute the winnings in the name of social justice*. He then observed, with considerable historical justification, "More than by anything else the market order has been distorted by efforts to protect groups from a decline from their former position; and when government interference is demanded in the name of 'social justice'

54. F. A. Hayek, "The Principles of a Liberal Social Order" (1966); reprinted in Hayek, *Studies in Philosophy, Politics and Economics* (Chicago: University of Chicago Press, 1967), p. 165.

55. Hayek, *Studies*, p. 165.

56. Hayek, *Constitution of Liberty*, p. 87. (2011 ed.: ch. 6:2)

this now means, more often than not, the demand for the protection of the existing relative position of some group. 'social justice' has thus become little more than a demand for the protection of vested interests and the creation of new privilege. . . ."[57]

On the other hand, he also wanted the civil government to provide *a safety net*, so that the social order of capitalism can be insulated against revolutionary shocks. He thought civil government can reduce social disorder by violating his earlier principle of "unequal results from equality before the law." *Hayek wanted a minimum welfare state*. "The reasonable solution of these problems in a free society would seem to be that, while the state provides only a uniform minimum for all who are unable to maintain themselves and endeavors to reduce cyclical unemployment as much as possible by an appropriate monetary policy, any further provision required for the maintenance of the accustomed standard should be left to competitive and voluntary efforts."[58]

Which of Hayek's two irreconcilable arguments are we to believe?Hayek was stuck. Volume two of *Law, Legislation and Liberty* is titled, *The Mirage of Social Justice*. He proclaimed the idea of one law for all men. He proclaimed the benefits of general rules that are written without any attention to the specific individual results of such rules.[59] As a defender of methodological individualism, he attacked the very concept of social justice. Such a concept presupposes a hierarchy of collective ends. But we cannot as "scientific economists" speak of the "value to society" of any economic good or service.[60] We can only speak of a service's value to individually acting men or to an organization. Society is not an organization; it is a spontaneous order. Civil government is an organization; society is not. "And, though the order of society will be affected by actions of government, so long as it remains a spontaneous order, the particular results of the social process cannot be just or unjust."[61] Thus, it is illegitimate to speak of social justice. Such a concept is anthropomorphic and immature.[62] Society cannot act for a single purpose.[63] To whom can we appeal if

57. Hayek, *Studies*, p. 173.

58. Hayek, *Constitution of Liberty*, p. 302. (2011 ed.: ch. 19:8)

59. Hayek, *The Mirage of Social Justice*, ch. 7: "General Welfare and Particular Purposes."

60. *Ibid.*, p. 75.

61. *Ibid.*, p. 32.

62. *Ibid.*, pp. 62–63.

63. *Ibid.*, p. 64.

we believe that the outcome of spontaneous and therefore unplanned market forces is somehow unjust? There is no answer.[64] The concept of social justice has meaning only in a command society.[65] The term itself has become an implement of demagoguery.[66]

Having said all this, he nevertheless called for a state-imposed redistribution of wealth in the name of preserving social order. Yet he opposed socialism and democratic economic interventionism because such coercion is destructive of morality.[67] And then, as if to confuse everyone (including himself), he denied any belief in absolute morality.

2. Moral Relativism

Hayek rejected the idea of transcendent law, whether "natural" or "personal," for he was a defender of autonomous man and autonomous spontaneous social evolution. "The evolutionary approach to law (and all other social institutions) which is here defended has thus as little to do with the rationalist theories of natural law as with legal positivism. It rejects both the interpretation of law as the construct of a super-natural force and its interpretation as the deliberate construct of any human mind."[68] There is no overarching morality that governs society. "There can, therefore, be no absolute system of morals independent of the kind of social order in which a person lives. . . ."[69] He even went so far as to argue that if a Westerner discovers a dying, elderly Eskimo who has been put into the snow to die by his people, according to Eskimo customs, he should leave him in the snow to die. It would be "morally wrong" to do otherwise, unless the outsider is personally willing to support him in non-Eskimo society forever.[70]

Hayek's moral relativism could not sustain a vision of society without adopting pure anarchism, yet he could not bring himself to adopt anarchism, the logical outcome of full-blown methodological individualism. He still wanted the civil government to provide everyone—presumably even that aged Eskimo—with a safety net. "There is no reason why in a free society government should not assure to all protection against severe deprivation in the form of an assured minimum income, or a floor below which nobody need descend." Why

64. *Ibid*., p. 69.
65. *Idem*.
66. *Ibid*., p. 97.
67. Hayek, *Political Order of a Free People*, pp. 170–71.
68. Hayek, *Mirage of Social Justice*, p. 60.
69. *Ibid*., p. 27.
70. *Idem*.

did he say this? Because he wanted to defend *collective self-interest*! Because he wanted to defend *morality*! "To enter into such an insurance against extreme misfortune may well be in the interest of all; or it may be felt to be a clear moral duty of all to assist, within the organized community, those who cannot help themselves." We are back to two previously forbidden justifications of social justice: collective self-interest and moral duty. "So long as such a uniform minimum income is provided outside the market to all those who, for any reason, are unable to earn in the market an adequate maintenance, this need not lead to a restriction of freedom, or conflict with the Rule of Law."[71] Question: *How is the civil government going to extract the economic resources needed to provide this safety net without interfering with the spontaneous order of the anarchistic free market order*?

3. A Self-Contradictory System

Hayek was trapped in a logical and moral dilemma. The state must use coercion to obtain the "safety net" money, he argued. But such taxation is innately immoral, according to Hayek, the anarchist. It also threatens the existence of the spontaneous order.

> The predominant view today appears to be that we should avail ourselves in the main of the ordering forces of the market, indeed must in a great measure do so, but should 'correct' its results where they are flagrantly unjust. [This, in fact, is precisely what Hayek himself has argued in the passages I have just cited—G.N.] Yet so long as the earnings of particular individuals or groups are not determined by the decision of some agency, no particular distribution of incomes can be meaningfully described as more just than another. If we want to make it substantively just, we can do so only by replacing the whole spontaneous order by an organization in which the share of each is fixed by some central authority. In other words, 'corrections' of the distribution brought about in a spontaneous process by particular acts of interference can never be just in the sense of satisfying a rule equally applicable to all. Every single act of this kind will give rise to demands by others to be treated on the same principle; and these demands can be satisfied only if all incomes are thus allocated.[72]

Here is Hayek, the all-or-nothing anarchist, holding forth bravely and decisively against Hayek, the defender of safety-net social justice. He refused to give an inch to the demands of the special-interest groups who would destroy the free market, intervention by intervention, tax by tax, safety net by safety net. But, in not giving an inch

71. *Ibid.*, p. 87.
72. *Ibid.*, p. 142.

here, he could not logically give an inch anywhere else. Yet he did. So. his methodological walls came tumbling down, brick by brick, inch by inch.

The extent to which Hayek's thinking is not just muddled, but self-contradictory, testifies to the innate antinomies of humanist social thought. He had a great mind. He had sixty years to develop his ideas. He was diligent in mastering the scholarly literature relating to these questions. Yet he brought forth a heavily footnoted, self-defeating trilogy, the capstone of his life's work. The third volume is devoted to a classic piece of what he has called "constructivist" rationalism: an historically untested restructuring of the legislative, judicial and executive branches of civil government, complete with a "model constitution" (chapter 17). Here is "Benthamism" at its utopian worst—the same Benthamism that Hayek battled against throughout his long career.[73] In the second volume, he proclaimed forthrightly: "...we can always only tinker with parts of a given whole but never entirely redesign it."[74] In the third, he proposed a total redesigning of every nation's entire institutional system of civil government.

4. Who Decides?

We are back to the age-old problem: The rule of *which* law-order? The rule of *how much* civil government? Hayek, in seeking formal rules of civil government—rules that will be applied to all citizens, irrespective of social or economic position—found that the humanistic logic of free market economics cannot be reconciled fully with the humanistic logic of social and political stability.

We are back to Weber's dichotomy between formal rationalism and substantive rationalism. The ethics of society supposedly demands that the civil government intervene in exactly the way that Hayek said is *most dangerous to freedom*, namely, *to preserve the economic position of a specific special-interest group*. How can this protection be denied to all other special-interest groups that possess sufficient political power to rewrite the legislation? This was Hayek's problem, and he devoted the second half of his illustrious academic career to a study of *how to insulate a liberal free market society from the the effects of the liberal democratic political order*. Human logic did not give him his answer. There are too many logics, too many ethical views, and no way to make interpersonal comparisons of subjective utility.

73. *Ibid*. pp. 19–20.
74. *Ibid*. p. 25.

Modern liberal democracy has eroded market freedom. Hayek's eloquent defense of freedom in terms of evolutionary law and evolutionary morality has not retarded this erosion; if anything, it has accelerated it. As J. R. Lucas commented concerning Hayek's defense, "he comes perilously close to a position of moral indifferentism and makes a great virtue of the market's unconcern with moral merit. But this is, I shall argue, to expose free institutions quite gratuitously to the moral censure of moral men. The reason why the West has become increasingly critical of its economic arrangements is not that it has failed to deliver the goods—on the contrary, it has been spectacularly successful in doing that—but that the theory of them has failed to accord with our moral sentiments about society and has sometimes affronted our sense of justice."[75]

Conclusion

The Bible teaches the rule of law—God's Bible-revealed law. It teaches that God is sovereign and that all people are under His authority. He has revealed a legal order to men. He enforces sanctions in terms of men's adherence to these laws. He extends His kingdom by means of grace, but a grace that involves obedience to His law.

The legal order of the West was more committed to the rule of biblical ethics than any other. This produced the legal foundations of the free market social order. But humanists have attempted to explain the advent of the free maerket social order in terms of a non-revelational idea of civil law. They have stripped civil law of any supernatural origin or sanctions. Having banished God from their cosmos of discourse, they find that they are unable to come to any agreement on what constitutes moral law. Without a Creator God, there are multiple gods by default, and most of them want to impose their self-interested law-order on their fellow men. As the fictional Lord Feverstone put it in C. S. Lewis' novel, *That Hideous Strength*, "Man has got to take charge of Man. That means, remember, that some men have got to take charge of the rest. . . ."[76]

It is never a question of law or no law. It is always a question of *whose* law.

75. J. R. Lucas, "Liberty, Morality, and Justice," in Cunningham (ed.), *Liberty and the Rule of Law*, p. 150.

76. C. S. Lewis, *That Hideous Strength: A Modern Fairy-Tale for Grown-ups* (New York: Macmillan, 1946), p. 42.

APPENDIX E

THE ECONOMIC IMPLICATIONS OF THE SABBATH

Six days may work be done; but in the seventh is the sabbath of rest, holy to the L*ORD*: *whosoever doeth any work in the sabbath day, he shall surely be put to death.*

EXODUS 31:15

Six days shall work be done, but on the seventh day there shall be to you an holy day, a sabbath of rest to the L*ORD*: *whosoever doeth work therein shall be put to death.*

EXODUS 35:2

One man esteemeth one day above another: another esteemeth every day alike. Let every man be fully persuaded in his own mind.

ROMANS 14:5

I see no way to avoid interpreting the Old Testament sabbath in terms of the explanatory case-law provided in Exodus 31:15 and Exodus 35:2. If we take these words at face value—and I see no way not to and still remain faithful to the text—then we must come to grips with the rigorous nature of the Old Testament sabbath. There were almost certainly exceptions to this universal prohibition against work, such as milking cows (in effect, giving rest to them) or serving as a law-enforcement officer, but the universal condemnation of working at one's occupation on the sabbath bore the strongest of all sanctions: the death penalty.

I also see no way to avoid interpreting the New Testament Lord's day in terms of Paul's injunction that every man should make up his own mind concerning the equality of, or special nature of, any particular day. More than this: If Paul's words are not to be interpreted

as referring to the sabbath (along with other Hebrew days of celebration or fasting), then the death penalty still has to be imposed by the civil government on anyone who fails to observe the New Testament Lord's day as identical to the Old Testament sabbath.

Our explanation of how the sabbath functioned in Israel, and how it should (or should not) be observed today, must be governed by the words of Exodus 31:15 and Exodus 35:2. In short, if we argue that the death penalty is no longer to be imposed on people who work on the Lord's day, as I do, then we must present a case that the requirements of the Old Testament sabbath have been fulfilled by Christ and are now annulled, and that God has substituted new rules to govern the Lord's day, which is what I attempt to do in this appendix. On the other hand, if someone denies that there has been a fundamental break between the Old Testament sabbath and the New Testament Lord's day, then he must demonstrate exegetically how it can be that the God-ordained civil penalty has been abolished, but the moral and even ecclesiastical requirements concerning the observation of the Lord's day have remained essentially the same.

Why did God regard a violation of His sabbath as a capital crime? We have seen the answer in Chapter 24: Violating the sabbath involves a denial of the mandatory nature of rest for mankind. Such a violation involves the implicit assertion of man's autonomy. Such an assertion brings spiritual and eternal death. But why did God wait until after the exodus to announce that working on the sabbath is a capital crime? Probably because He wanted Israel first to understand what it meant to live under the domination of a self-proclaimed god-man who did not allow God's people to rest. In the recapitulation of the Ten Commandments in Deuteronomy, God gave them a different reason for honoring the sabbath: they had been in bondage to Egypt, and God had delivered them from this bondage (Deut. 5:15). He brought death to Egypt's firstborn; He would do the same to them if they failed to honor His covenant with them.

A key question then has to be considered: Why in New Testament times has the church never advocated such a harsh penalty? I hope to answer this question at the end of this appendix. The fundamental answer is that *there has been a shift in the locus of sovereignty for sabbath enforcement*: from civil government and ecclesiastical government to self-government (the individual conscience).

We have come at last to the really difficult issues, the issues of applied theology. We must consider these preliminary issues:

A. What was the Old Testament Sabbath?
  I. What were men supposed to do on the O.T. sabbath?
  II. What were the economic implications of the Mosaic sabbath, especially with respect to the division of labor?

B. Is the New Testament Lord's day essentially the same as the O.T. sabbath?
  I. Is there N.T. evidence of a shift: sabbath to Lord's day?
  II. Is the Lord's day legally enforceable by the state today, as it was in the Old Testament?
  III. What are the economic implications of the Lord's day, especially with respect to the division of labor?

Once we have a general idea of the answers to these questions, we can go on to other issues, such as the Old Testament's rescheduling of the Passover, and the possibility of rescheduling the New Testament Lord's day for people employed in unique occupations; the priestly exemptions from sabbath observance and their relationship to rescheduled worship in New Testament times; sabbath enforcement and the creation of a one-state world; proper leisure activities in New Testament times; and several other topics. But first, we need to understand better both the Old Testament sabbath and the New Testament's doctrine of the Lord's day.

A. Old Testament Sabbath

The Bible gives us almost no information about the activities of faithful Hebrews on the sabbath. We know something about what people did not do, but nothing for certain concerning what they did do, except on special sabbaths like the Passover, the day of atonement, and so forth.

The experience with the manna in the wilderness, before the law was given in a completed form to Moses, indicates that there was to be no cooking in Israel on the sabbath. The cakes made from the manna were to be cooked the day before the sabbath (Ex. 16:23). After Israel arrived in Canaan, this anti-cooking law may have been relaxed. The Bible does not say.

They were not to engage in commercial activity (Neh. 13:15–18). We know that evil men did not appreciate the sabbath, because they wanted to cheat buyers seven days a week (Amos 8:5). The man who gathered sticks on the sabbath was executed at God's explicit command (Num. 15:32–36). There is certainly the possibility that a stick-gatherer might be gathering sticks as a commercial venture. Jeremiah warned the people:

> Thus said the Lord; Take heed to yourselves, and bear no burden on the sabbath day, nor bring it in by the gates of Jerusalem; Neither carry forth a burden out of your houses on the sabbath day, neither do ye any work, but hallow ye the sabbath day, as I commanded your fathers. But they obeyed not, neither inclined their ear, but made their neck stiff, that they might not hear, nor receive instruction. And it shall come to pass, if ye diligently hearken unto me, saith the Lord, to bring in no burden through the gates of this city on the sabbath day, but hallow the sabbath day, to do no work therein; Then shall there enter into the gates of this city kings and princes sitting upon the throne of David, riding in chariots and on horses, they, and their princes, the men of Judah, and the inhabitants of Jerusalem: and this city shall remain for ever. And they shall come from the cities of Judah, and from the places about Jerusalem, and from the land of Benjamin, and from the plain, and from the mountains, and from the south, bringing burnt offerings and sacrifices, and meat offerings, and incense, and bring sacrifices of praise, unto the house of the Lord. But if ye will not hearken unto me to hallow the sabbath day, and not to bear a burden, even entering in at the gates of Jerusalem on the sabbath day; then will I kindle a fire in the gates thereof, and it shall devour the palaces of Jerusalem, and it shall not be quenched (Jer. 17:21–27).

Kindling a fire on the sabbath was forbidden (Ex. 35:3). If this law was disobeyed, God promised to kindle a fire in the gates of the city, meaning the seat of judgment. The gates, as the place of entry into the city, would be destroyed. The city would fall to a conqueror. God was serious about their not starting fires on the sabbath. His promised judgment—fire in the gates—reflected His rigorous standards in this regard.

I. What Were They Supposed to Do?

But what, specifically, were men required to do on the sabbath? They may have celebrated together at some form of formal worship service. The "holy convocations" described in Leviticus 23:3 may have constituted weekly sabbath worship services, although it is not clear that these services were conducted outside the home. "Six days shall work be done: but the seventh day is the sabbath of rest, an holy convocation; ye shall do no work therein: it is the sabbath of the Lord in all your dwellings" (Lev. 23:3). Israel's various seasonal feasts (holy convocations) are subsequently described in Leviticus 23, and these were unquestionably public feasts. Thus, it can be argued that the local Levitical priests who resided in each community called the weekly convocations together in some sort of public meeting place. But this

is not absolutely clear from the text, and the specific details of these public worship services are nowhere described in the Old Testament.

A. T. Lincoln fairly described our present state of knowledge concerning the celebration of the Hebrew sabbath in Old Testament times: "The sabbath was not a day of total inactivity but was meant to provide rest and refreshment from the regular work of the six other days. It is true that this rest provided opportunity for devotion to the worship of God, that the Sabbath was called a 'holy convocation' (Lev. 23:2–3), that an additional burnt offering was required on every Sabbath (Num. 28:9, 10), and that since it was done from obedience to God the resting itself could be considered an act of worship, but cultic worship was not a major focus of the Sabbath institution for Israel as this is reflected in the Old Testament."[1] This is my concern: to discern the major focus of the Old Testament sabbath. It was *rest*, not worship.

The Hebrews were supposed to delight themselves in God. In the oft-quoted words of Isaiah: "If thou turn thy foot from the sabbath, from doing thy pleasure on my holy day; and call the sabbath a delight, the holy of the Lord, honourable; and thou shalt honour him, not doing thine own ways, nor finding thine own pleasure, nor speaking [thine own] words: Then shalt thou delight thyself in the Lord; and I will cause thee to ride upon the high places of the earth, and feed thee with the heritage of Jacob thy father: for the mouth of the Lord hath spoken it" (Isa. 58:13–14). They were to acknowledge the God-centered nature of creation.

What did it mean, "doing thy pleasure"? We are not told, except in reference to commercial activities and the common household chores of cooking, gathering sticks, and carrying burdens in and out. Idle talk was forbidden. But what kind of talk, specifically, constituted idle talk, "speaking [thine own] words"? We are not told. As far as the written record indicates, neither were the Israelites.

The law said nothing about the legality, or even propriety, of the following activities: napping in the afternoon, walking in a garden (park), listening to music, going for a (non-commercial) swim, floating in a small boat, and having sexual relations with one's spouse. In short, there are no guidelines in the law concerning the limits of recreation and the beginning of work or "thy pleasure."

1. A. T. Lincoln, "From Sabbath to Lord's Day: A Biblical and Theological Perspective," in D. A. Carson (ed.), *From Sabbath to Lord's Day: A Biblical, Historical, and Theological Investigation* (Grand Rapids, Michigan: Zondervan Academe, 1982), p. 352.

1. Recreation (Re-Creation)

When we think back to the garden of Eden, we are confronted with the obvious possibility of a walk through the garden, God's gift to man. This is a form of recreation. To forbid recreation in post-Edenic times seems ludicrous, yet certain problems arise as soon as we admit the legitimacy of recreation but deny the legitimacy of commercial activity.

Consider the rich man. He owns a large garden, a lake, and a boat. He chooses to spend his day of rest walking through his garden, going for a swim, and sailing. Has he broken God's law? Then consider the poor man. He owns no garden, but he has access to a nearby profit-seeking park. (In this book, I choose to avoid the question of the morality of tax-supported public parks. It is a relevant question, however.) There is a profit-seeking lake or swimming pool nearby. A firm will rent him a boat on Sunday afternoon. If the ban against profit-seeking activities includes recreation activities, then the poor man is limited. He cannot afford to buy the tools of recreation, yet he is also prohibited from renting them.

Christians cannot escape this problem. We must ask ourselves at least five questions. First, must we ban recreation on the Lord's day for all people, rich and poor, in order to avoid economic discrimination? Second, must we ban the poor or middle-class citizens from the delights of publicly provided recreation? Third, must we ban rentals of recreation services and implements on the day of rest? Fourth, must we see to it that the state confiscates funds through coercion in order to create "free" recreation services for the poor and middle-class citizens? Fifth, may we look upon sabbatical recreation capital of the rich man as a legitimate covenantal blessing that poorer men do not enjoy, and should not enjoy until God showers similar economic blessings on them?

There is also a sixth possibility. What if the rich invite the poor in to enjoy their wealth? What if the rich donate money to the church, or some other private charity, in order to create recreation facilities? This could be regarded as a weekly version of the "tithe of celebration" (Deut. 14:26–29).[2] Rich men could celebrate the sabbath by inviting all men in to enjoy the fruits of their labor. Charity-supported agencies might offer access to gardens, lakes, and so forth. Labor is donated: lifeguards, physicians, police protection, lost children booths,

2. Gary North, *Inheritance and Dominion: An Economic Commentary on Deuteronomy*, 2nd ed. (Dallas, Georgia: Point Five Press, [1999] 2012), ch. 35.

and so forth. Instead of profit-seeking labor, we find works of mercy.

In a predominantly rural society, most people could enjoy the sight of their fields. They could go for a stroll in the "garden." In an urban society, people can go for a stroll to view front lawns. They can visit friends for a chat. But then we are back to another bothersome question: What constitutes idle talk? Talk about families? Talk about sports events? Talk about politics? Talk about the stock market? We are not told. *Conscience must be our guide. But conscience is difficult to put into concrete legislative proposals.* In fact, it is because men have not universally defined "idle talk," that they resort to the language of conscience or circumstance.

If we take the Old Testament legislation seriously, we are faced with a conclusion that tends to alienate the guilt-manipulated and socialism-influenced Christian: The rich were allowed to enjoy recreation activities that were legally prohibited to the poor, who were not allowed to lease or rent such recreation implements or opportunities on the sabbath. It might be argued that the law allowed a man to buy a "seven days a week" ticket to recreation opportunities, but if someone had to collect tickets on the sabbath, or in some way monitor his profit-seeking operation on the sabbath, then any judge who understood basic economics would have shut down the operation as a sham, an attempt to escape the clear-cut prohibition on commercial activities on the sabbath. It paid to be rich on the sabbath. (Of course, it normally pays to be rich on the other six days of the week, too.)

Carrying burdens in and out of doors was illegal (Jer. 17:22). Profit-seeking work was illegal. But leisure is a consumer good. It must be paid for by forfeited income—income that is not earned during the leisure period. Leisure could be "stored up" in effect. It was legitimate to enjoy leisure on the sabbath, but only that kind of leisure which could be "stored up" in the form of capital goods: private gardens, private lakes, and so forth. This was clearly a subsidy to the rich.

2. "Works of Mercy" in a Rural Society

Israel was a rural society. Certain daily chores are works of necessity on a farm, such as milking and caring for the animals. But what was done with the milk? Was it thrown away? Was it saved only for other animals? Was it given to the poor? If it was sold at a profit, then milking constituted profit-seeking activity, i.e., engaging in trade. Such sabbath violations would have been difficult to detect.

What about the use of such sabbath-produced milk by the family? This is an important question. If personal family use of the economic output of sabbatical "acts of mercy" (to the cows) is legitimate, then the definition of what constitutes profit-seeking must be narrowed. Engaging in commercial trade would be prohibited, but engaging in intra-household trade would not; one family member milks the cow, another cooks the food, another washes the dishes, and so forth. From the point of view of human action—exchanging one set of conditions for another set—the intra-family exchange seems to be equally profit-seeking, but perhaps not from the point of view of Old Testament sabbath legislation. The milk could be sold the next day. Wouldn't this constitute a violation of the sabbath? It certainly appears that way. But to consume the milk directly thereby increases the family's consumption as surely as the income gained from the sale of the milk would increase it. What is the economic difference, in terms of family income? More to the point, what is the biblical difference, in terms of the specific application of the law of the sabbath?

The strict sabbatarian would have to argue that the milk should be given away. Such a person is a defender of what Lewis Bulkeley called "the marathon sabbath." But is it the sabbath that God required of His Old Testament saints, let alone His New Testament saints? Unquestionably, the Old Testament did not prohibit output of effort as such; cows deserved to be milked, as an act of mercy, an act of giving rest (Ex. 23:12). But what about income that was the byproduct (i.e., unintended product) of such merciful labor? Should it have been given to the poor, or to household animals, but kept away from human family members? Or is giving food to one's own family itself an act of mercy?

If giving milk to one's own family or domestic animals is an act of mercy, then it is an act of mercy that has unintended economic consequences, namely, an increase of consumption that is not paid for by increased output (more milking) or more thrift (reduced consumption) during the days preceding the sabbath. Feeding one's family or animals with milk produced by sabbath milking would then be understood as being fundamentally different from gathering sticks for a fire on the sabbath, for sticks had to be gathered during the workweek and stored up for use on the sabbath. But wouldn't this "anti-stick-gathering" requirement have applied equally to milking, even though milk in this instance was a byproduct of acts of mercy? A strict sabbatarian would clearly have to insist that milk that is pro-

duced as a byproduct of an act of mercy be given to the poor, or spilled on the ground, or fed to farm animals, in order to make certain that such merciful work remained exclusively merciful and not an excuse for profit-seeking (cost-reducing) sabbath violations.

Thomas Gouge a contemporary of Owen and Baxter in seventeenth-century England, praised as shining examples three Christian physicians who refused payment for Sunday labor.[3] I ask: Should the civil government make it illegal for people to receive payment for emergency services? And if it does, won't this reduce the number of emergency services offered, and thereby render it more dangerous to suffer an emergency on Sundays? This is the question of full pay for "normal" works of mercy or necessity performed by professionals, including people who are paid by the civil government: police, firemen, military forces, etc. Should those who perform such services on the sabbath be paid for that day's work? Christ defended the right of a man to pull a beast of burden out of a ditch, but does this imply that individuals can legitimately operate "beast-retrieval" companies at a profit on the sabbath? These are questions that strict sabbatarians should eventually deal with. They never do.

II. The Division of Labor in Rural Israel

Modern mass production, with its capital-intensive mechanization, is characterized by a high division of labor. Until the late-nineteenth century, agricultural societies were characterized by a comparatively low division of labor. In such societies, production is initially for the family unit. Surplus goods can be traded or sold, but there is not much surplus. Men work primarily for home consumption.

The workweek is scheduled in terms of the needs of the family. Wives can bake extra loaves on the day before the sabbath without disrupting normal production and distribution patterns. Husbands can cut extra wood for the fire on any day of the week. In ancient Israel, people structured their workweek's rhythm in terms of the sabbath. This did not involve a major interruption of supplies of needed goods and services. Where men are not continually serving each other through production for a market, but where they serve themselves and their families directly through labor, it is far easier to restructure the workweek to honor special feast days or sabbaths. A rural family can schedule its activities to include a day of rest.

3. On Gouge, see Richard Schlatter, *The Social Ideas of Religious Leaders, 1660–1688* (London: Oxford University Press, 1940), pp. 129, 137.

In a rural society, it is also far easier to identify commercial activities, because there are fewer of them than in a modern, mass-production society. It is therefore easier to identify sabbath violations. A face-to-face society that is dominated by family and tribal ties offers men the opportunity to observe the daily affairs of their neighbors. While families might have hidden certain kinds of indoor commercial labor, it would have been difficult in ancient Israel to conceal agricultural labor in the fields.

Another important aspect of rural societies is the relative absence of 24-hour-a-day capital equipment, whether public or private. Power generation, telecommunications, repair services, hospitals, and similar services became commonplace in rural areas in the twentieth century, but only in industrial societies, or in urban areas of industrializing societies. The continuing dependence of urban society on such services stands in stark contrast to the traditional rural community, which has a lower division of labor, and which is far more self-sufficient. *The interruption of "vital services" in a modern city could bring paralysis and breakdown*. In a traditional rural community, such an interruption could not take place, because such vital services are not normally available. In other words, services that are vital to a modern urban community are not vital in a traditional rural society. Only in modern rural societies that are fully integrated into urban society through the market and shared public utilities would such services be regarded as vital. *The seasonal and even weekly economic rhythm of a traditional rural society is far different from a modern industrial society*. Traditional rural societies are not characterized by an extensive, even life-sustaining, division of labor.

The economy of Israel was not highly integrated. In the cities, civil rulers were influenced heavily by the Levites. Profit-seeking activities on the sabbath would have been difficult in cities whose civil rulers were highly influenced by sabbath law-enforcing priests. The cities of ancient Israel did not become dependent on a market order characterized by a high division of labor. I am arguing that *God's sabbath requirements necessarily prohibited the creation of such an interdependent society*. It is my contention that the annulment of the Old Testament sabbath laws by Jesus Christ was a necessary (though not sufficient) precursor to modern civilization.

If strict sabbatarians believe that I am incorrect in this conclusion, then they have an obligation to show how the authorities today would be able to differentiate between what constitutes an illegitimate sab-

bath violation and one that is acceptable. It should be clear that the enforcement of strict sabbath legislation in a traditional agricultural society will produce economic effects far different from those produced by such enforcement in a modern industrial economy. Because the effects are different, shouldn't the penalties be different? But the Old Testament did not offer any alternative penalties. It required execution of all sabbath violators—no "ifs, ands, or buts."

Did the Mosaic law implicitly allow the authorities to redefine a sabbath violation in terms of social settings? Did an act of sabbatical defiance in a rural society become acceptable behavior in an urban setting because of its differing economic effects? Is an act that seems to be visibly (physiologically) the same, but that produces different consequences in different environments, really the same act? Or is it different? And if the act is different, should it be redefined, even though physiologically it is the same act?

If the Mosaic law did implicitly allow the authorities to redefine sabbath violations as non-violations, according to differing economic effects, then what are the distinguishing criteria that officials, whether ecclesiastical or civil, should adopt in order to determine which acts are legitimate, under which circumstances, and where? On the other hand, if the Mosaic law never did permit such redefinitions of a sabbath violation—and I do not believe that it did—then how could the Old Testament economy (meaning the Old Testament system as well as the Old Testament economic order) ever have progressed into the modern industrial West? (For more detailed arguments along these lines, see below: "Mass Production and International Trade.")

B. New Testament Lord's Day

The various New Testament accounts of Christ's activities on the Hebrew sabbath provide us with evidence concerning the true nature of the Old Testament sabbath. Works of healing were basic to that sabbath, not as exceptional acts, but as acts that were integral to sabbath observance. Christ healed the withered hand of one man on the sabbath (Matt. 12:10–13). He also healed the crippled man who had been waiting for healing near the pool of Bethesda. Again, this was on the sabbath (John 5:1–17). He replied to those Jews who were critical of His action: "My father worketh hitherto, and I work" (John 5:17). They were to give rest. His general principle was this: "The son of man is Lord even of the sabbath" (Matt. 12:8). Again, "It is lawful to do well on the sabbath days" (Matt. 12:12b). (The King James

English conveys the wrong message here. The Greek word is better translated to "do good," not "do well."[4] Salesmen do well; servants do good.)

What is meant by Christ's use of the word "work" in John 5:17? *Work as a charitable service* is in view, not work in one's profit-seeking vocation. The Old Testament sabbath was a break from the ordinary routine of profit-seeking labor. Those activities associated with a man's income-producing occupation were to be avoided.

Nevertheless, there were exceptions to this rule. The obvious Old Testament exception was the routine labor of a priest. Christ replied to His critics: "Or have ye not read in the law, how that on the sabbath days the priests in the temple profane the sabbath, and are blameless" (Matt. 12:5). We are not told specifically which activities of the priests profaned the sabbath. They had to sacrifice two yearling lambs every sabbath, along with meal and drink offerings. Also, they had to maintain continual burnt offerings (Num. 28:9–10). Jesus said that they actually profaned the sabbath. This is a strong word to use. It could also be translated "desecrate."[5] They violated the requirements of the sabbath in the temple itself. Nevertheless, they were held blameless before God. *The importance of their labor in the sight of God made them blameless*. They were following a higher command. They were offering the blood sacrifices that were required by God to cover the sins of His people.

The context of Jesus' remarks on the profaning of the sabbath is important. He and His disciples had been criticized for having walked through fields on the sabbath, plucking grain to eat. This was not theft, according to Old Testament law; neighbors had legal access to a handful of the fruit of the ground (Deut. 23:24–25).[6] Jesus was not criticized for having picked the grain. He was criticized for having taken it on the sabbath (Matt. 12:1–2).[7]

What was Christ's answer? He pointed to David's taking of the showbread from the temple on the sabbath (Matt. 12:3–4). Here was a far more culpable act, for it was not lawful for David or his followers to eat the showbread, because it was reserved for the priests (v. 4).

4. Walter Bauer, *A Greek-English Lexicon of the New Testament and Other Early Christian Literature*, trans. by William F. Arndt and F. Wilbur Gingrich, 2nd ed. (Chicago: University of Chicago Press, 1979), p. 401: "*kalose*, [3]."

5. *Ibid*., p. 138: "*bebeilao*."

6. North, *Inheritance and Dominion*, ch. 58.

7. Gary North, *Priorities and Dominion: An Economic Commentary on Matthew*, 2nd ed. (Dallas, Georgia: Point Five Press, [2000] 2012), ch. 26.

The priest himself had suggested that David take the hallowed bread (I Sam. 21:4). Yet God commanded that this showbread be set before Him at all times (Ex. 25:30; Num. 4:7). But the needs of men were more important in this instance, a fact recognized by the priest. On the one hand, the priest had to offer sacrifices. On the other hand, David had to flee from the wrath of Saul. Both requirements were cases of necessity. But the priest told David to eat the showbread. How, then, could the priests of Jesus' day legitimately criticize Him?

Jesus' healing of the man with the withered hand was a work of mercy. Traditional Christian sabbatarianism has always made exceptions of these two works, *necessity* and *mercy*. But necessity and mercy impose even greater pressures on men's actions than merely offering exceptions to the sabbath requirement against labor. *Necessity and mercy require positive action*. This is acknowledged by the Westminster Confession of Faith (1646), a pro-sabbatarian document, which forbids men to think "about their worldly employments and recreations," and requires them to take up "the whole time, in the public and private exercises of His worship, and in the duties of necessity and mercy."[8]

The priests of the Old Testament profaned the sabbath, yet they were blameless. The office of priest, coupled with a mandatory assignment from God, permitted the profaning of the sabbath. Indeed, it required it. Yet David was not a priest, nor were his men. This points to the truth of Christ's words, that the "Son of man is Lord even of the sabbath day" (Matt. 12:8). In His incarnation, as the son of man, Christ ruled the sabbath. The account in Mark is even clearer: "The sabbath was made for man, and not man for the sabbath" (2:27–28). *When human life and health are at stake, the sabbath may be profaned without blame*. It must be profaned. When an assignment by God to a priest is in question, the sabbath may be profaned without blame. Again, it *must* be profaned. But then we face some very difficult questions: How can we tell when human health and life are at stake? Who is the true priest? What is a God-given assignment?

I. Transformation: The Lord's Day

1. A Different Day

In the New Testament, the first day of the week is called the Lord's day (Rev. 1:10), but it is never called the sabbath. Unquestionably, there was a shift from the seventh day of the week to the first. The ev-

8. Westminster Confession of Faith, XXI: VIII.

idence also points to a shift from sundown-to-sundown celebration to a sunrise-to-sunrise celebration.[9] These are very important changes. They involve a radical break with the Hebrew sabbath. F. N. Lee, in his defense of the New Testament sabbath, argued explicitly that the entire system of Mosaic sabbaths and holy days was abolished by Christ. He cited Paul's epistle to the Colossians: "Let no man therefore judge you in meat, or in drink, or in respect of an holyday, or of the new moon, or of the sabbath [days]" (2:16). (The last word, "days," was added by the King James translators; it should read simply, "sabbaths.") Lee concluded:

> Now these ceremonial sabbaths, listed in Leviticus 23 together with the Israelite Sinaitic weekly sabbath, are all called "feasts" of holy convocation or "holy days"; and all involve the keeping of a "sabbath" day or a "day of holy convocation" on which "no servile work is to be done," or a "day of solemn rest." They were all a shadow of the things to come, namely the benefits of the New Testament in Christ; and they were all blotted out and nailed to His cross.... So Paul means exactly what he says. It is useless to argue (as S.D. Adventists do) that St. Paul here means the ceremonial sabbaths by his words "or the sabbath (days)," for St. Paul has just a few words beforehand (in the very same verse) dealt with such ceremonial sabbaths under the blanket term "holy day"—the same term (heortai) used in the Septuagint of Lev. 23 to refer to all the (Sinaitic) sabbaths—both the ceremonial sabbaths and the "weekly" sabbath of Israel, Lev. 23:2–3.... If it is argued that Paul means (only) the ceremonial sabbaths in Col. 2:16 where he refers to "the sabbath day(s)," then which days is he referring to under the blanket term "holy days" just mentioned previously in the very same verse? The two can hardly be synonymous, for Paul would then be repeating himself, saying in effect: "Let no man therefore judge you...in respect of a ceremonial sabbath or a new moon or a ceremonial sabbath," when the latter phrase would simply be idle repetition.[10]

Lee argues that the day of rest, or sabbath, is part of God's moral law, and therefore it is still in effect. But the Old Testament sabbath is gone. In other words, the theological justification for switching to the first day of the week is that *the older sabbath is absolutely abolished, and a new one is morally binding*. There was a total break at Calvary with the Mosaic law's sabbath.

There seems to be no exegetical way to escape Lee's treatment of Colossians 2:16. *Paul was not speaking of ceremonial sabbaths, but the Mo-*

9. See Appendix B.

10. F. N. Lee, *The Covenantal Sabbath* (London: Lord's Day Observance Society, 1972), pp. 28–29.

saic sabbath. It is gone forever. The fact that the church celebrates a new day should testify to this theological fact. But then a crucial question has to be answered: *How much of the Mosaic legislation has been abolished along with the day of the week and the hours of the day*? A clean break has been established with respect to the day of the week. On what basis, then, can the church recommend that the Old Testament sabbath law be enforced by the civil government? The testimony of almost 2,000 years of church history provides at least a partial answer: The church has not committed itself to a full-scale revival of the Mosaic sabbath legislation.

The principle of interpretation that is supposed to govern Christian orthodoxy is that Christ came to establish, confirm, and declare the Old Testament law. Only if we find an *explicit abandonment* of an Old Testament law in the New Testament, because of the *historic fulfillment* of the Old Testament shadow, can we legitimately abandon a detail of the Mosaic law. But modern Christians reject this principle of interpretation, so they tend to make things up as they go along. Sometimes they just go along, not bothering to make things up.

In the case of the Mosaic sabbath, Paul provides us with full justification for just this sort of abandonment. We no longer enforce the Mosaic provisions, because the Mosaic sabbath ended at Calvary. We have a new day of rest, and we dare not arbitrarily select some of the Old Testament sabbath definitions, restraints, and legal sanctions without taking them all. But we have no exegetical grounds for taking them all, since the very change in the day of celebration, not to mention Paul's explicit teaching regarding the locus of responsibility for enforcement (the conscience), testifies to the break with the past.

The biblical account of what constitutes a week unquestionably establishes as definitive six days of work and a day of rest or feasting. God's originally creative week was a six-one pattern, while Adam's subordinately re-creative week was supposed to be a one-six pattern.[11] Adam's rebellion led to a curse: God's imposition on man of a God-imitating six-one pattern, with rest to come only at the end of man's week.

Jesus Christ, by redeeming His people, annulled the six-one pattern of the cursed week. He did not restore the original (pre-Fall) pattern of one-six, because He changed the day on which the Lord's day is celebrated to the day after the Hebrew sabbath—what Chris-

11. Gary North, *Sovereignty and Dominion: An Economic Commentary on Genesis* (Dallas, Georgia: Point Five Press, [1982] 2012), ch. 6.

tian commentators for at least 1,800 years have called the eighth day. Therefore, He established a *one-six-one* pattern—*rest, work, and judgment*. This judgment comes on the day of the Lord, the archetypal Lord's day. This is why the Lord's day is celebrated in New Testament times on the day following the Hebrews' seventh-day sabbath. *It points to the final judgment and the inauguration of a new week, the full manifestation of the New Heaven and the New Earth*. The first day of redeemed man's week is now the eighth day after the initiation of God's work, not the seventh day after. It represents a re-creation, a new week that re-establishes a one-six pattern, but that also implies the one-six-one pattern as a herald of the total regeneration and re-creation of all things. The shift to the eighth day testifies to Christ's new creation.

2. Conscience: The New Locus of Enforcement

Paul was concerned with the souls and consciences of his readers. The Colossians passage mentions *meat, drink, holy days, and sabbaths*. Paul was doing his best to convince his readers that there had been *a definitive break* from Old Testament law with respect to these four features of Hebrew life. He knew that Judaizers were criticizing the Christian Hebrews for their abandonment of these external tests of faith, and he did not want his readers to feel guilty. No one could legitimately judge them with respect to these four issues. No one could turn to the Mosaic law and confront them with the Mosaic rules, instructions, and regulations regarding meat, drink, holy days, and sabbaths. This did not mean that the old rules had been evil. It meant that the Judaizers had no right to criticize Christians for no longer adhering to the old forms. New applications of the Old Testament's general principles in these four areas are now binding in New Testament times.

Paul repeated this teaching to the church at Rome. In Romans 14, Paul covers much the same ground. Those who are weak in the faith are not to be distressed by rigid theological criticism. Paul observed that there are debates within the churches concerning the proper foods and the proper holy days. Judgment of each other should not go on in these areas of disputation. Men must decide for themselves which foods to eat or which days to celebrate.

> For one believeth that he may eat all things; another, who is weak, eateth herbs. Let not him that eateth despise him that eateth not; and let not him which eateth not judge him that eateth: for God hath received him. Who art thou that judgest another man's servant? To his own master he

> standeth or falleth. Yea, he shall be holden up: for God is able to make him stand. One man esteemeth one day above another: another esteemeth every day alike. Let every man be fully persuaded in his own mind. He that regardeth the day, regardeth it unto the Lord; and he that regardeth not the day, to the Lord he doth not regard it. He that eateth, eateth to the Lord, for he giveth God thanks. For none of us liveth to himself, and no man dieth to himself. For whether we live, we live unto the Lord; and whether we die, we die unto the Lord: whether we live therefore, or die, we are the Lord's. For to this end Christ both died, and rose, and revived, that he might be Lord both of the dead and the living. But why dost thou judge thy brother? Or why dost thou set at nought thy brother? For we shall all stand before the judgment seat of Christ. For it is written, As I live, saith the Lord, every knee shall bow to me, and every tongue shall confess to God. So then every one of us shall give account of himself to God. Let us not therefore judge one another any more: but judge this rather, that no man put a stumbling block or an occasion to fall in his brother's way (Rom. 14:2–13).[12]

The Lord's day, the first day of the week, has been set apart by Christ for His church as a day of worship, fellowship, and communion. This, above all, is the church's testimony to the day of rest. Members are required to attend a worship service with their fellow believers. "And let us consider one another to provoke unto love and good works: Not forsaking the assembling of ourselves together, as the manner of some is..." (Heb. 10:24–25a). We must not forsake other members. We are to help each other.

Some members may view all days the same. So be it. Good men have taken this position historically. Zwingli was one of them.[13] But Zwingli attended church on Sunday, because he would not forsake the brethren. The pattern of one day in seven for rest from one's normal labors is formalized in the worship services themselves. We need not badger each other about the specifics of Old Testament law regarding the Lord's day, Paul said, because no one should judge another on this matter. Participation in the required church service or fellowship, which has been on the first day of the week ever since the day of Christ's resurrection, is sufficient testimony.

3. Worship: A New Testament Emphasis

Perhaps strict sabbatarians are unwilling to take Paul's words at face value. Yet the ironic aspect of strict sabbatarianism is this: With-

12. Gary North, *Cooperation and Dominion: An Economic Commentary on Romans*, 2nd ed. (Dallas, Georgia: Point Five Press, [2000] 2012), ch. 14.

13. Lee, *Covenantal Sabbath*, p. x.

out the definitive break with the Mosaic sabbath, the sabbatarian's emphasis on Sunday worship reduces his case's biblical support. How can the sabbatarian consistently argue for full continuity of the Lord's day with the Old Testament sabbath, when *the Old Testament sabbath was primarily a day of rest rather than a day of worship*? The New Testament Lord's day focuses on the worship requirements, not the rest requirements.

The Old Testament sabbath was primarily a day of rest, of cessation from profit-seeking labor. Sabbath worship, if it is mentioned at all, is only mentioned indirectly (Lev. 23:3). There were no prohibitions against recreation. There were only prohibitions against labor. The modern sabbatarian's emphasis on the Lord's day primarily as a day of worship must be drawn from a handful of references in the New Testament that show that the church met on resurrection day to worship. It is possible to make a case against doing "thy pleasure" on the sabbath by appealing to the Old Testament, but it is not possible to make a case for the Lord's day as a day primarily devoted to worship by appealing to the Old Testament.

To define the sabbath primarily in terms of corporate worship, rather than primarily as a day on which no commercial trade is permitted, raises some exceedingly difficult questions for strict sabbatarians. First, if honoring the first day of the week requires that sabbath violations be prohibited by civil law, then the law is being enforced on all people in a particular society. If this is what the New Testament requires, then any sabbath-enforcing society is thereby admitted to be covenanted under God. This is an inescapable relationship: state-enforced sabbath laws and the existence of a covenant. There are many defenders of various sabbath laws today who categorically deny that any New Testament society is ever covenanted under God in the way Mosaic Israel was—a viewpoint not shared by seventeenth-century Puritans and Scottish Presbyterians. This is especially true in the American South, where "blue laws" that prohibit certain businesses from operating on Sunday, or that prohibit certain products from being sold in supermarkets on Sunday, are voted into law time after time by covenant-denying Southern Baptists, Methodists, and Church of Christ members. I cannot explain this; I only report it.

Second, there is the problem of the Lord's day as primarily a day of worship. If the Old Testament's sabbath-enforcing civil law is still binding in New Testament times, and if the Lord's day is understood as predominantly a day of worship (as the Westminster Confession

and most Calvinistic pastors assert), then the civil magistrate ought to enforce compulsory worship on all members of a (covenanted) society upon threat of death.

The New England Puritans went at least part of the way down this path. They legislated compulsory worship, and they banished sabbath violators from Massachusetts and Connecticut in the early years. Even this half-hearted attempt to imitate the Old Testament only lasted a few years. There were more and more church absentees, until by the middle of the seventeenth century, the churches of New England could not have held the whole population, had everyone decided to visit on some Sunday morning.[14] Eventually, "blue laws" replaced the threat of banishment for failure to attend church in New England.

Modern sabbatarians have refused to become consistent. They do not pressure the civil government to establish a death penalty for Lord's day desecrations, and they certainly avoid the obvious conclusion concerning the Lord's day as a day of worship, namely, compulsory church attendance, enforced by the civil government.

4. The New Testament Church's Celebration

What Paul was asserting should be clear to anyone who reads Romans 14. Not only do those outside the church have varying opinions concerning a day of rest, or special holidays; even those inside the church have varying opinions. We see in the twenty-first century that the same situation still exists. The debates went on during the Protestant Reformation, too. The Old Testament sabbath laws were absolute in the sanction involved—the death penalty—and they were negative in effect. They told men what not to do, one day in seven. The New Testament's emphasis shifted on the day of resurrection. The first day of the week is now a day of communion between God and His church. It involves a positive, loving corporate celebration. It involves preaching (Acts 20:7–12), singing (Matt. 26:30; Col. 3:16), praying (I Cor. 14:15), and a communion feast (I Cor. 11).

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14. Carl Bridenbaugh wrote: "A consideration of the number and seating capacities of village meeting houses and churches demonstrates the sheer physical impossibility of crowding the entire village populations into their houses of worship. At no time after 1650 does it seem possible for the churches of Boston to have contained anywhere near a majority of the inhabitants; in 1690 little more than a quarter of them could have attended church simultaneously had they been so disposed." Bridenbaugh, *Cities in the Wilderness: The First Century of Urban Life in America, 1625–1725* (New York: Capricorn, [1938] 1964), p. 106.

The testimony of the church is that there is indeed a very special day of celebration, of feasting and sharing the blessings of salvation. If the early church in first-century Israel had wanted rest more than the experience of true communion, it would have met for communion on the Hebrew sabbath, because the Roman authorities acknowledged the right of the priests to require a day of rest. But the early church broke with rest on the first day of the week in order to celebrate communion on the evening of that first day. They rested on the Hebrew sabbath, worked on the Lord's day, and gathered together in the evening. They rested—assuming they did rest, which seems reasonable—on a day different from the day of worship, at least in Israel. In gentile cities in the Roman Empire, they probably could not rest even one day in seven. But they celebrated on Sunday evening after work.[15]

The historical circumstances of the early church necessitated compromises with the sabbath principle. Had there been no break from the Old Testament requirement of a full day of rest one day in seven, the church would have been bottled up in Israel, because the Roman Empire did not honor the rest principle. Had the legal obligation of resting on the sabbath been the binding obligation, then the early church, dwelling in Israel, would have had to take two days off: the Hebrews' day (legally binding) and the Lord's day (religiously binding). But this would have violated the more important pattern of one day of rest and six days of labor.[16] *The church, in short, was forced to break with the Hebrew sabbath*. God, in His grace, abolished the Hebrew sabbath on the day of resurrection, so that church members could rest on the seventh day (Saturday) and celebrate on the evening of the first day, which was a working day in Israel. They could do this in good conscience precisely because they knew that God honored their faith. Like the priests who sacrificed on the sabbath, profaning it blamelessly, the early Christians worked on the Lord's day, profaning it, but this was not held against them.

This is not to say that the ideal situation is not the Lord's day as a day of rest and worship, universally recognized, universally re-

15. "It is certain that the eucharist was at first an evening meal. The name (*deipnon*) implies this." Wilfrid Stott, in Roger T. Beckwith and Wilfrid Stott, *The Christian Sunday: A Biblical and Historical Study* (Grand Rapids, Michigan: Baker Book House, 1980), p. 89.

16. I am defining "merciful labor" as that activity which gives rest to others, both animals and humans. I argue in this appendix that it is morally and legally valid to sell merciful labor on the Lord's day.

spected, except in cases of emergency or merciful labor. But Paul was careful to warn the church at Rome that it should not burden its new members with rigorous regulations concerning a special day of the week. Yes, they were to commune together. But whatever they did on the Lord's day—and in Rome, most of them must have worked—they were to do it in faith. *The sabbath ideal is to grow out of respect for the principle of* ***resurrection****, the basis of man's release from sin and eternal death*. The institutional church sets the pattern with its special day of worship, which can be made binding on members (Heb. 10:25). But it cannot legitimately force its members to honor the one-six pattern of rest. That pattern is built into Christ's kingdom, but Paul made it clear that *the conscience is to guide men to this conclusion, not compulsion*. In fact, he was writing against one man's criticizing another—moral compulsion. If moral compulsion is forbidden, then how much more ecclesiastical compulsion? And how much more than this, compulsion by the civil government?

5. The Early Church Fathers on Rest vs. Worship

This distinction between Sabbath rest and Lord's day worship was unquestionably made by the early church fathers. Until the fourth century, church fathers generally condemned the "idleness" of the Jewish sabbath, and commanded church members to devote Sunday to worship and acts of mercy. Bauckham commented: "For Tertullian, the meaning of the Sabbath commandment for Christians was 'that we still more ought to observe a sabbath from all servile work always, and not only every seventh day, but through all time.'[17] It is entirely clear that for all these writers the literal commandment to rest one day in seven was a temporary ordinance for Israel alone. The Christian fulfills the commandment by devoting all his time to God. The rationale for this interpretation depended, of course, on a wholly 'religious' understanding of the commandment; no writer of the period betrays any thought of its being a provision for needed physical rest. The Jewish form of observance was therefore 'idleness.' The commandment was really about devotion to God. . . . This was the basic principle from which the Fathers argued that literal Sabbath observance was not required of Christians."[18] In short, "It must be stressed that, outside Jewish Christianity, all second-century ref-

17. Tertullian, *An Answer to the Jews*, ch. IV.
18. R. J. Bauckham, "Sabbath and Sunday in the Post-Apostolic Church," in Carson (ed.), *From Sabbath to Lord's Day*, pp. 266–67.

erences to the Sabbath commandment either endorse the metaphorical interpretation or reject the literal interpretation as Judaistic or do both."[19] The church fathers were so adamant about this distinction that they condemned mere abstention from normal work as idle. "The Fathers could see no value in inactivity and hardly ever recognized in the Sabbath commandment provision for necessary physical relaxation."[20] Bauckham cited the Syriac Didascalia (c. 250?): "Daily and hourly, whenever you are not in church, devote yourselves to your work."[21]

In the fourth century, Christians often began to imitate Jewish customs. Again, citing Bauckham: "This Judaizing tendency was a grass roots tendency that the authorities of the church opposed. The Council of Laodicea (A.D. 380), for example, legislated against a series of Judaizing practices including resting on the Sabbath (canon 29). It seems that while the popular tendency was to imitate the Jewish practice, the authorities often responded by insisting on a specifically Christian kind of Sabbath observance sharply distinguished from the Jewish kind. The Sabbath was not to be observed in 'idleness,' imitating the Jews, but as a day of Christian worship when the New Testament Scriptures were read and as a commemoration of God's creation of the world through Christ"[22] It was Constantine, in 321, who first legislated Sunday rest. He specified Sunday as "the most honourable day of the Sun." He may have done so to promote sun worship, as well as to placate Christians.[23] As soon as the state got involved in sabbath legislation, there was theological confusion and compromise.

II. Civil Government

1. Negative Sanctions

What is the proper "sabbatarian" role today of the civil government? One very distinct possibility is this: The civil government should declare null and void any labor contract that requires a person to work seven days a week as a condition of employment. This is *a contract against conscience*, comparable to requiring a woman to commit illicit sexual acts as a condition of employment. Businesses

19. *Ibid.*, p. 269.
20. *Ibid.*, p. 282.
21. *Ibid.*, p. 286.
22. *Ibid.*, pp. 261–62.
23. *Ibid.*, pp. 280–81.

would be compelled to honor the desires of employees to take one day off per week—and that day would probably be the first day of the week. The compulsion here is essentially negative: The state may prohibit economic coercion against people's consciences, when their consciences are based on an explicit statement of the word of God.[24] The Bible is quite explicit about resting from our occupations one day in seven. Nevertheless, Paul acknowledged that some men may not see this, and that apart from required church attendance, they should not be molested or made to feel guilty.

The Bible teaches us about Christian maturity. The Old Testament's death penalty for sabbath violators was stark and entirely negative. Men were not to be governed primarily by conscience in questions regarding the sabbath. They were to be governed by fear. They were told what could not be done. They were treated as children. With the coming of Christ and the victory He sustained at Calvary, His people have been given *positive requirements* concerning worship on His day. They are to meet corporately to celebrate and worship (as they may have been required to do in the Old Testament: Lev. 23:3). Overnight, the disciples were given a new vision. *Overnight, the compulsion of the civil government regarding the Lord's day ended*. Overnight, the sabbath became primarily a positive requirement of corporate worship, without the civil penalty of execution for working on the sabbath. *Overnight, the question of a day of rest on the Lord's day became a matter of conscience*. It had to; the Jewish leaders were not about to make the Christian equivalent of the sabbath compulsory as a day of rest.

As the theological insight of men improves over time, they will come to recognize the implications of God's creation week (six-one) and covenant man's re-creative week (one-six). They will recognize the necessity of a day of rest—a moral, physical, and economic necessity. When they do, they will make economic decisions and social decisions that will indirectly pressure recalcitrants into honoring the Lord's day. For instance, if Christians refuse to go out to shop on Sunday, there will be no economic incentive to keep stores open on Sunday, except to sell to non-Christians. If most people in a society are eventually converted, or at least honor the Lord's day externally, then

24. In the summer of 1985, the U.S. Supreme Court overturned state legislation that made it illegal for employers to compel individuals to work on Sunday as a condition of employment. Thus, the Supreme Court has made illegal the one type of Lord's day legislation that the New Testament implicitly sanctions.

there will be almost no economic incentive to remain open on Sunday. But a person's conscience is the guide in New Testament times, not civil compulsion.

Because *the day of the Lord* is now *a day of communion*, Christians will try to see to it that they get time off for Sunday worship whenever possible. They will not work as professional football players. They will not pay money to go to professional football games. They will not watch professional football games on television, nor will they buy the products advertised during Sunday sports events—at least, not because they are advertised during Sunday sports events. Christians will increasingly honor that day as a day of worship for almost all, and therefore of a day of cessation of income-producing labor for almost all. The *new Christian sabbath*—cessation from normal work—is a *byproduct of worship* on the Lord's day. Christians will do their best to schedule their jobs to give themselves a day of rest. As more and more people do this, more and more occupations will find it economically profitable to honor the desires of their maturing Christian employees. Sunday will become most people's day of rest, including professional athletes. Only those occupations that serve the needs of resting people—public utilities, emergency services, and restaurants (where wives get a break from the normal work week)—will still be profitable on Sunday.

The state in New Testament times is to leave men free to act positively; its role is to suppress lawless acts of violence and fraud. It is not to make men positively good; it is to restrain them from committing evil, public acts. When the God-revealed emphasis of the sabbath changed from a day of no work to a day on which God mandates corporate worship, the state's role also changed. I am not arguing here that there was unquestionably no public, corporate aspect of sabbath-worship in the Old Testament, but only that whatever the nature of this corporate worship may have been, the specifics of such worship services did not receive any attention in the Old Testament. There is no mention of tithes being collected on sabbath-day meetings, or psalms being sung, or a communion meal being shared, or lectures from a Levite. Such events may have taken place, but there is no direct evidence. In the New Testament, such events are mentioned as taking place in corporate worship on the Lord's day. Thus, I am arguing that there is a change of emphasis in the New Testament, and the specifics of biblical revelation testify to this change. Conscience now is to lead men in the decision to rest on the first day of

the week or another day, or not rest at all. The state is not to force men to decide. The state is not to be trusted to tell men to take positive steps toward righteousness, such as worship. If God tells men to do something positive (such as worship Him publicly on a particular day and in specific ways), the state must remove itself from the arena of human decision. This is not because societies are not supposed to be formally covenanted to God, but because they are.

2. Admitted Changes

The church has admitted the following changes in the day of rest: (1) the seventh day to first (eighth) day; (2) the abandonment of sundown-to-sundown timing; and (3) the abolition of the death penalty imposed by the civil government. A fourth change may be involved in the addition of required church attendance (communion and worship) to what was previously primarily a day of rest. (This was not a major change if Leviticus 23:3 did involve weekly public worship.) Unquestionably, the church has modified its concept of what constitutes legitimate labor, which we will consider in greater detail in Section C.

These alterations are of monumental importance. *They represent a sharp break with the Mosaic law*. To maintain that such modifications are theologically valid, the church needs New Testament evidence of an announced break. It needs New Testament revelation that specifies that such a discontinuous transformation has been announced by God through His prophets. If the church is unwilling to take seriously *the radical break announced by Paul in Colossians and Romans*—the abolition of the Mosaic sabbath—then it has only a few scattered references to first-day worship to defend its position. Yet the church has hesitated to use these Pauline teachings to justify the break, because they are so radical in nature. Protestant churches that have clung to at least a watered-down version of the Puritan sabbath—itself a watered-down version of the Mosaic sabbath, because the Puritans did not execute Lord's day violators—have used the Old Testament passages as guides for modern Lord's day-keeping. *They have not wanted to admit that such a sharp break with the Mosaic sabbath has been announced, because the New Testament offers no specific guidelines for rest on the Lord's day*. Furthermore, the New Testament spells out the requirement of weekly corporate worship, and it mentions a communion meal, celebrated in the evening.

Churches have refused to admit that *the kind of rest* we choose for the Lord's day is a matter of *conscience discipline* rather than church

discipline. They have not been content to point to the sabbath of Genesis 2:2–3 as a creation sabbath, the one-six pattern for man's week. They have selectively and arbitrarily quoted some aspects of the Mosaic sabbath—but always without the death penalty—as if there were exegetical justification for part of the Mosaic law to be brought into the New Testament era, but not the required Mosaic sanction against sabbath desecration. They often call for some kind of sanctions by the civil government—sanctions never mentioned or contemplated in the Mosaic law—but not the death penalty, which is the civil sanction specifically required by the Mosaic law. To say that the interpretational principles of modern sabbatarian exegetes are muddled is putting it mildly. It is another case of *smorgasbord religion*: taking this or that aspect of biblical revelation, while leaving others alone, all according to personal taste, familiarity, "reasonableness," and church tradition.

This is not to say that all Mosaic guidelines to what we should not be doing on the day of rest are permanently abolished. The guidelines are there: avoidance of household chores, no profit-seeking commercial ventures, and no idle talk. *It is not the guidelines that have been abolished; it is the locus of the sanctioning agency that has changed*. The conscience, not the civil government, is the earthly locus of Lord's day enforcement in New Testament times. It is the *individual conscience*, not the institutional church, that makes the decision concerning what constitutes idle talk, or a postponable household chore, or the lawful limits of recreation. Pressure can come from sermons, or from patient instruction from the elders. Christians are to be educated concerning the Lord's day principle. They are not to be coerced.

3. No Compulsion

Paul warns us that in the area of diet and the Lord's day, different views exist. Discussions about the Lord's day are not to resort to compulsion, social or institutional, in order to settle the issues. Ostracism is not valid. But refusing on Sunday to eat in a restaurant operated by a "Lord's day-violator" is valid, because the potential meal-buyer has decided that such activities as the purchase of a meal on the Lord's day are against his conscience. He is not seeking to punish the "Lord's day violator"; he is seeking to do the Lord's work in his own life.

The church should not be fearful of the weaknesses of human conscience in the areas of the Lord's day and diet. (Actually, the church is quite willing to allow personal choice in the case of diet, but it

resists the authority of conscience in the question of the Lord's day.) If the church is to avoid bothering people in these two areas of life, how much more the civil government! Furthermore, it is incorrect to argue that because the state can legitimately establish pure food and drug standards, it (or the church) can therefore legitimately establish sabbath restrictions. Commentators should not make the mistake of equating restrictions against eating certain ritually prohibited foods with the question of restrictions against the sale of chemically or biologically adulterated food. The state is empowered to restrict the sale of adulterated, dangerous products, not on the basis of the dietary laws, but on the basis of the quarantine (Lev. 13, 14):[25] a negative sanction against violence—namely, the violence of microbes or poisons against unsuspecting buyers. The state may not tell people what they must eat, but only what they must not sell, because of injuries that such adulterated food can produce in the victims—injuries that can be proven in a court of law to have resulted from the product in question.

The New Testament does mark off certain areas of life and calls them, in effect, either things indifferent or things that are not a matter of compulsion. A thing indifferent, for example, is circumcision. "Circumcision is nothing, and uncircumcision is nothing, but keeping the commandments of God" (I Cor. 7:19). Yet it is possible to make a case against circumcision, since the resurrection of Christ has made unnecessary the flow of blood in New Testament times: the sacrifices, the firstborn offerings (eighth-day separation from the dams), and circumcisions (the eighth-day marring of male infants). But Paul does not ask us to make an issue of circumcision or noncircumcision. He wants us to avoid confrontations in this area. The confrontations are divisive in this area, and not worth the trouble they cause. If a medical case were straightforward in favoring circumcision, which it was not in the late twentieth century,[26] the question of circumcision

25. Gary North, *Boundaries and Dominion: An Economic Commentary on Leviticus*, 2nd ed. (Dallas, Georgia: Point Five Press, [1994] 2012), ch. 9.

26. "The Committee on Fetus and Newborn of the American Academy of Pediatrics stated in 1971 that there are no valid medical indications for circumcision in the neonatal period. . . . There is no absolute medical indication for routine circumcision of the newborn. . . . A program of education leading to continuing good personal hygiene would offer all of the advantages of routine circumcision without the attendant surgical risk. Therefore, circumcision of the male neonate cannot be considered an essential component of adequate total health care." Ad Hoc Task Force on Circumcision, reporting its findings in *Pediatrics*, Vol. 56 (October 1975), pp. 610–11. Cf. Editorial, *British Medical Journal* (May 5, 1979), pp. 1163–64. For a summary of many medical

could become important again, but not for narrowly theological reasons. The same is true of diet. Most Christians understand this in the case of circumcision and diet. They do not understand it in the case of the Lord's day. They refuse to take Paul's words literally in Romans 14:5.

It must also be pointed out that we are dealing here with *specific injunctions in the New Testament*. The proper exegetical principle is this: Mosaic law is still to be enforced, by the church or the state or both, unless there is a specific injunction to the contrary in the New Testament. To place the locus of enforcement concerning Lord's day violations in the human conscience is not a general New Testament principle of social, political, or legal action with respect to Old Testament laws and sanctions. The Bible does not call for a society operated in terms of man-invented sanctions. The reign of conscience is not to become the reign of anarchy. The Bible does not establish antinomianism as a New Testament principle. But in certain specified instances, New Testament writers have removed the locus of enforcement from the church and state, placing it in the conscience. There are not many of these instances, but the Lord's day appears to be one of them.

III. Economic Implications of the Lord's Day

We know that the man caught gathering sticks on the sabbath was tried by God and executed at God's direct command (Num. 15:32–36). This was what was required by Exodus 35:3. *The death penalty was indissolubly integral to the Mosaic laws governing the sabbath*. The fact that the church historically has acted as though the death penalty has been officially removed by God from His law testifies to the church's confusion concerning biblical exegesis and the rule of God's law. *Those who proclaim their allegiance to the Mosaic view of the sabbath must come to grips with the Numbers 15 passage*. They must integrate this passage into their understanding of society and economics. I am limiting my enquiry to the question of economics, although the Mosaic sabbath affected far more than just the realm of economics. I here reproduce (with some minor modifications) a section from my essay on the sabbath that was first published in R. J. Rushdoony's *Institutes of Biblical Law* (pp. 831–36).

arguments against circumcision, as well as bibliographical references, see Paul Zimmer, "Modern Ritualistic Surgery: A Layman's View of Nonritual Neonatal Circumcision," *Clinical Pediatrics* (June 1977), pp. 503–6.

The gathering of sticks is a fine example of Hebrew case law as applied in the light of a general requirement of the Decalogue. It shows, perhaps, better than any other instance, the economic implications of the fourth commandment for the Hebrew nation. Consider the economic implications. What was involved in the gathering of sticks? Sticks could be used for at least four purposes:

1. *Heating* the home
2. *Lighting* the home
3. *Cooking* the meals
4. *Selling* the sticks for uses 1–3

As far as actual use of sticks was concerned, the case-law application in Numbers 15 applied more to the daily life of Hebrew women than it did to the men of the family. It is more often the man and his work that are the focus of modern sabbatarian concern, but this was not necessarily the case in a rural, pre-industrial community. The gathering of sticks was more likely to be the task of children; women were to use the sticks for household tasks, once gathered. Men were to reap the benefits of both the gathering and actual use of the sticks, but in general they would not have much to do with the actual handling of sticks. There could be a few exceptions, of course, but one exception seems to be far more likely, namely, that of the professional stick-gatherer. His work would be most in demand on the sabbath, precisely the day on which the prohibition against work was enforced. A woman who failed to gather sticks earlier in the week could buy some from a professional.

We are not told that the man in Numbers 15 was such a professional, but the severity of the punishment clearly would have made it far more dangerous for such a class of professionals to have come into existence. There was a need for a harsh penalty, men and women being what they are. There is always a delight in violating God's commandments if one is a sinner; if that violation also brings with it certain superficial benefits above and beyond the mere pleasure of defiance, so much the better. Sabbath prohibitions involved heavy costs for the obedient; enforcement of the sabbath required stiff penalties, thus burdening violators with high costs in the form of high risk.

What were the costs of the sabbath? For the man, it was the forfeiture of all income—monetary (less likely in a rural society), psychological, or physical property—for that day. But women also paid.

They had to gather all sticks earlier in the week. This meant more work during the week, either in longer days, or by increasing the intensity of the working day, or both. Had the working day not been lengthened or intensified, then other tasks that it was desirable to accomplish would have to have been foregone, and that, as any wife knows, also involves costs (especially if a husband or a mother-in-law notices the failure in question). There would always be a temptation to forgo the gathering of sticks during the week, especially if a professional would come by with a load of wood on the sabbath for a reasonably cheap price. If his price was less than the woman's estimation of the costs involved in gathering the wood earlier in the week, she would set aside funds for a sabbath transaction.

By imposing a rigorous and permanent form of punishment on the violator—death by stoning—the community was able to force up the price of the sticks; risks would be so high that few professionals could survive. How many women could or would pay the costs? It would be cheaper to buy them earlier or to gather them earlier in the week. Stick-gathering was made an unlikely source of profitable employment on the sabbath. Because the market for sticks on the sabbath was restricted because of the high prices for the sticks (due to the risks involved), the opportunities for temptation were thereby reduced to a minimum. It did not pay many people, net after deduction of risk expenses, to violate the sabbath, and it was very expensive to hire someone to violate it.

To the degree that the penalties are weakened in a case like this, to that degree it becomes a matter of conscience as to whether or not someone violates the sabbath or pays someone else to do it. Conscience then stands without the protection of higher economic costs to keep a man acting in a holy fashion. In the mid-twentieth century, rest on Sunday is based primarily on Christian tradition and labor union negotiations; where these restraints are absent, conscience is the only barrier against the violation of the Old Testament application of the sabbath principle. Men who value leisure less than other forms of income will tend to seek out employment on the sabbath.

1. Hiring Others to Sin for Us

If we accept the principle that it is wrong for us to hire another person to commit a crime for our benefit and his profit, then certain implications follow. Sabbath violations were capital crimes. If strict sabbatarians regard Old Testament provisions as binding on Chris-

tians, then it is as wrong to hire a man to violate the sabbath as it is to hire someone from Murder, Inc. to kill a neighbor. The execution of the crime and the guilt of the hiring party are in both cases equal. Capital crimes are major ones. If the Hebrew sabbath is legally binding today, then its implications and applications are equally binding.

I have heard Christian people charge their fellow Christians with a violation of the "sabbath" (Lord's day) because the latter have gone out to a restaurant to eat after church services are over. This violation supposedly also holds for those who purchase food in a supermarket on Sunday. Why should this be a violation? Clearly, only on the grounds that it is a violation of the Lord's day to encourage another's violation of the Lord's day by paying him to remain open for business. If the standards of the Hebrew sabbath are still morally binding today, then entering a place of business on the Lord's day is morally a capital crime, and an abomination in the sight of God. Therefore, pastors and elders must tell their flock to refrain from entering into trade of any sort on the Lord's day.[27]

If a man wishes to take seriously the standards even of the Westminster Confession of Faith (a pre-industrial document, it should be pointed out) in all of its pre-industrial rigor, then he should encourage his elders to enforce the provisions. Of course, the provisions of the Confession do not even approach the requirements of Numbers 15, Exodus 31:15, and Exodus 35:2–3, i.e., the true biblical standards in the eyes of a consistent sabbatarian, but at least they are something. If the creeds are valid in their 1646 interpretation, then 1646 standards of enforcement ought to be applied. If such standards are not applied, then it is a clear admission that the church no longer recognizes as valid the 1646 definition of the sabbath.

2. Buying Fuel

Let us pursue the charge against the "restauranteers" with rigor. Those same people who make the charge pride themselves on their Lord's day observance because they do not go out to restaurants on

27. I have worshipped in churches that sold books to worshippers on Sunday, but refused to accept payment until later in the week. To have taken money for the books, the pastors believed, would have violated the sabbath. But the book buyer incurred a debt. He had to pay off this debt later on. What is the difference between this transaction and the purchase of gasoline by means of a credit card? Sabbatarians recognize that credit card purchases are economic transactions, as surely as cash payment purchases are. They would prohibit credit card gasoline purchases on Sunday just as firmly as they would prohibit cash payment purchases. Again, Sabbatarians have not thought through the economic implications of the sabbath.

the Lord's day. They do not shop in supermarkets. They have stored up provisions to eat at home. Prior shopping is quite proper, if one is a sabbatarian, for it is of the very essence of Lord's day-keeping that one store up provisions in advance of the Lord's day. But the Old Testament required more than the mere storing up of food. The passage we have referred to, Numbers 15, makes it explicit that not only food but the fuel was to be stored up in advance; fuel for heating the home, cooking the meals, and lighting the room had to be procured in advance. It was a capital offense in the eyes of a righteous and holy God to gather sticks—fuel—on His sabbath.

The modern Puritan-Scottish sabbatarian thinks that his is the way of the holy covenant of God simply because he buys his food early, and cooks it on Sunday, while he regards his brother in Christ as sinning because the latter eats at a restaurant on Sunday. But under the provisions of Numbers 15, both crimes appear to be equally subject to death, for both the restaurant-goer and the meal-cooker have paid specialized fuel producers to work on the Lord's day. There is this difference, however: The man who enters the restaurant is not self-righteous about his supposed keeping of the Lord's day, and he has made no charges against his fellow Christians. He would seem to have violated the sabbath provisions of Numbers 15, but that is the extent of his guilt. The modern sabbatarians I have met too often violate the Lord's day and the commandment against gossip, or at least they indulge in the "judgment of the raised eyebrow and clicking tongue." They neglect Christ's warning: "Judge not, that ye be not judged. For with what ye judge, ye shall be judged..." (Matt. 7:1, 2a).

The very architecture of our churches is a standing testimony to the unwillingness of contemporary Christians to accept the economic implications of the Lord's day. We fill our buildings with all sorts of electrical appliances; we heat and cool the rooms to a comfortable 75 degrees, winter and summer. We often pride ourselves on the efficiency of modern technology, forgetting that people must go to work and operate the machines that provide the power—the fuel—for our gadgets. These workers are committing sabbatarian capital crimes each Sunday, and every Christian sabbatarian who uses these gadgets, apart from some legitimate emergency, implicitly sends people to hell every Sunday, morning and evening, as he sits in the comfort of his air-conditioned church. If the sabbatarian creeds are correct, then sabbatarians are weekly condemning others to the flames of eternal torment, just so that they can sit in 75-degree comfort.

Naturally, sabbatarians can always defend a 75-degree temperature in the name of "works of necessity." Freezing churches would drive away unbelievers in winter; stifling churches would do so in the summer. Possibly this argument is legitimate, if this really is the reason we heat our churches. Or perhaps our bodies really could not stand what our Puritan forefathers went through to establish Reformed worship in America; perhaps we could not bear churches so cold that communion bread would sometimes freeze solid. Possibly we would die if our present technological comforts were to be taken away from us (as pessimists have asserted may be a prospect in the near future). But if mere comfort is our defense of our power-consuming central heating systems, then we are not giving much thought to our sabbatarian creeds. It has become altogether too fashionable to adapt the interpretation of the Lord's day to each new technological breakthrough; sabbatarians cling religiously to standards written centuries ago, while violating the terms of those creeds regularly. It is schizophrenic. The wording of the creeds should be altered, or else sabbatarians should alter their easy acceptance of a radically non-sabbatarian technology.

3. McCheyne's Accusations

This plea should not be regarded as something new. It was made by one of the strictest and most consistent sabbatarians in the history of the post-Reformation Protestant church, the Scotsman, Robert Murray McCheyne. He minced no words in his condemnation of his fellow Christians: "Do you not know, and all the sophistry of hell cannot disprove it, that the same God who said, 'Thou shalt not kill' said also, 'Remember the Sabbath day to keep it holy'? The murderer who is dragged to the gibbet, and the polished Sabbath-breaker are one in the sight of God."[28]

Andrew Bonar preserved McCheyne's teachings on the sabbath question in his Memoirs of McCheyne, and any self-proclaimed strict sabbatarian would do well to ponder what McCheyne wrote. If the standards of Numbers 15 made no provision for exemptions of specific professions,[29] and if these standards are still morally and legally binding in New Testament times, how can a man who proclaims the

28. R. M. McCheyne, "I Love the Lord's Day" (1841), in Andrew Bonar (ed.), *Memoirs and Remains of Robert Murray McCheyne* (Edinburgh: Banner of Truth Trust, [1844] 1973), p. 599. This is a reprint of the 1892 edition.

29. I argue later in this appendix that there were probably exemptions in specific cases: "Rescheduling Worship," Section D.

sabbath escape the thrust of his words? McCheyne saw clearly what the industrial revolution would mean. In 1841, he challenged the right of the railways to run on Sunday, but he was not followed by most of his sabbatarian countrymen in Scotland. They chose, as sabbatarians ever since have chosen, to turn their backs on the implications of their creed, while vainly proclaiming the moral validity of that creed. McCheyne had a word for those who today enjoy, having others work on the Lord's day to provide them with fuel at reasonable prices: "Guilty men who, under Satan, are leading on the deep, dark phalanx of Sabbath-breakers, yours is a solemn position. You are robbers. You rob God of His holy day. You are murderers. You murder the souls of your servants. God said, 'Thou shalt not do any work, thou, nor thy servant;' but you compel your servants to break God's law, and to sell their souls for gain. You are sinners against the light.... You are traitors to your country.... Was it not Sabbath-breaking that made God cast away Israel?...And yet you would bring the same curse on Scotland now. You are moral suicides, stabbing your own souls, proclaiming to the world that you are not the Lord's people, and hurrying on your souls to meet the Sabbath-breaker's doom."[30]

Sabbatarians should heed McCheyne's warning. Those who stand in pride because of their sabbatarian position ought to consider the implications of that position. God will not be mocked! When the provisions of the Westminster Confession of Faith are rigorously enforced, then the sabbath debate can take on some meaning other than the playing of theological games. Then, and only then, will the issues be drawn clearly and honestly.

4. Enforcement Should Begin at the Top

When the elders of the church begin at home to follow the sabbatarian standards of the Old Testament, and when they impose such standards on their recalcitrant wives who enjoy their stoves, their hot running water, and their air-conditioning systems, then non-sabbatarians will be impressed. Let them turn off their electrical appliances, or purchase 24-hour power generators (no "lighting fires," please), or install solar-powered cells on their roofs, in order to provide the power. Let them turn off the natural gas, or else purchase butane in advance. Let them cease phoning their friends for "Christian fellowship," so that the lines might be kept open for truly emergency calls. Let them stop using the public mails on Friday, Saturday, and Sunday, so that

30. *Ibid.*, p. 600. See also his "Letter on Sabbath Railways," (1841), pp. 602–5.

mail carriers and sorters will not have to miss their observance of the Lord's day. Let them, in short, shut their eyes to the offenses of others until the church, as a disciplinary force, begins to enforce more rigorous requirements on all the membership, starting at the top of the hierarchy and working down from there. Let all self-righteousness be abandoned until the full implications of the economics of sabbath-keeping are faced squarely by the church's leadership. Until then, the debate over the sabbath will remain an embarrassment to Christ's church.

Rethinking the sabbath question will involve a rethinking of the whole of Western industrial civilization. It will certainly involve the questioning of the last two centuries of rapid economic growth. Strict sabbatarians should at least be aware of the possible effects of their proposals. If the world should be conformed to Christian standards of biblical law, and if the standards of the Hebrew sabbath practice are, in fact, still the rule for the Christian dispensation, how would these standards be imposed on the population at large? Would it not make impossible our modern version of industrial, specialized society? In other words, if such standards had been enforced for the past two centuries, could this civilization, which most modern Christians accept as far as its technological conveniences are concerned, have come into existence? How much of our economically profitable, efficient, "sabbath-desecrating" technology would we have been forced to prohibit by civil law? The costs, I suspect, would be considerable. It is time for strict sabbatarians to count those costs.

Fire has served as man's major technical tool of dominion, and it was challenged as a primary tool only in the twentieth century, first by electricity and then by the electronic computer.[31] Lewis Mumford has discussed the three-fold uses of fire: light, power, and heat. His culturally evolutionistic interpretation could easily be reworked to conform to biblical imagery. "The first artificially overcame the dark, in an environment filled with nocturnal predators; the second enabled man to change the face of nature, for the first time in a decisive way, by burning over the forest; while the third maintained his internal body temperature and transformed animal flesh and starchy plants into easily digestible food. Let there be light! With these words, the

31. Jeremy Rifkin, *Algeny* (New York: Viking, 1983), ch. 1.

story of man properly begins."[32] Thus, fire has been basic to the dominion covenant from the beginning. That the kindling of a sabbath fire was prohibited in the Old Testament is understandable; it is the very essence of work. To kindle a fire, or to gather sticks for a fire, would have symbolized man's autonomy in the dominion process, the essence of lawlessness. Furthermore, as symbolic of God's glory cloud, fire unquestionably served the Hebrews as a reminder of God's power, in addition to being a primary economic tool. Kindling a fire on the sabbath therefore was illegal for more than one reason.

5. "Strange Fire"

There was a fourth use of sticks on the sabbath: lighting a fire, or expanding the intensity of a fire, as a religious testimony. Exodus 35:3 prohibits the kindling of a fire on the sabbath. This seems to mean starting a fire.

The priests of Israel kept a fire burning constantly on the altar (Ex. 29:25; Lev. 1–7). When Nadab and Abihu, the sons of Aaron, offered strange fire on the altar, God sent a fire and consumed them (Lev. 10:1–2). So, it is possible to regard the kindling of a fire on the sabbath as an assertion of sacramental rebellion. For this reason, it has been argued, there was a death penalty for kindling any new fire on the sabbath—an assertion of autonomy from the sacrificial system of Israel.[33] This line of argumentation was pursued by at least one sabbatarian Puritan scholar in the seventeenth century, George Walker.[34]

One possible piece of evidence for this position is that the Hebrews were not sure what to do with the stick-gatherer in Numbers 15. The law was clear: Violators must be executed. Why didn't they know what to do with him? Why did they seek God's specific pronouncement (Num. 15:34–36)? Doesn't this indicate that they were not sure what to do with him because they had not actually caught him kindling a fire, meaning indulging in a ritual trespass of starting a strange fire? He was working, but he had not kindled a fire. Why

32. Lewis Mumford, *Interpretations and Forecasts: 1922–1972* (New York: Harcourt Brace Jovanovich, 1973), p. 425.

33. James B. Jordan, "Sabbath Breaking and the Death Penalty," *Geneva Papers* (June 1986).

34. George Walker, *The Doctrine of the Holy Weekly Sabbath* (London, 1641), pp. 121–22; cited by James T. Dennison, Jr., *The Market Day of the Soul: The Puritan Doctrine of the Sabbath in England, 1532–1700* (Lanham, Maryland: University Press of America, 1983), p. 111.

didn't they execute him, if merely working on the sabbath was a capital crime? Wasn't their hesitation based on their confusion concerning an unstated warning against strange fire, a confusion that would not have been present if Exodus 35:2 referred to all labor? Gathering sticks was labor, but they nevertheless enquired of the Lord. Doesn't this imply that they did not suppose that God required the death penalty for working in general—the mere gathering of sticks—but that He required it for lighting a fire, something they had not seen him do?

My answer is *no*, it was not any confusion associated with an unstated but implied warning against false ritual that led them to enquire of God. It was a much more basic problem: confusion over the specific transgression. But before I present my reasoning, I need to point out the obvious: *Exodus 35:3 does not speak of strange fire*. It speaks only of fire. The "strange fire" interpretation is roundabout and hypothetical, although biblically possible. It relies on an exclusively symbolic interpretation of otherwise plain words. I prefer to interpret the passage as primarily economic but with implicit symbolic overtones.

It should be clear why a few interpreters have appealed to strange fire as the frame of reference for the imposition of the death penalty for sabbath violations: It gets them out of an embarrassing exegetical problem. With the permanent extinguishing of the temple's fire by the Romans in 70 A.D., the biblical law against kindling a fire on the sabbath ceased to be symbolically relevant. Thus, if the altar's fire was the sole reference point in the discussion of the death penalty for sabbath-breaking—that is, if the death penalty that is required by Exodus 35:2 is to be interpreted exclusively in terms of 35:3, the prohibition against starting fires—then the death penalty cannot sensibly be imposed in New Testament times. This enables the commentators to escape from a highly embarrassing problem, namely, the requirement of the death penalty for working on the sabbath in New Testament times. But this line of reasoning immediately backfires on any "strict sabbatarian."

If "strange fire" was the sole reference point for the death penalty for sabbath breakers, then what penalty is to be applied today? Excommunication alone? Are we to interpret Exodus 31:14—the cutting off of the sabbath-breaker from the people—as excommunication rather than execution? If this "cutting off" is not the execution demanded by Exodus 31:15—and I argue that it did mean execution for sabbath violators—then an inescapable conclusion results: The

civil government has no legitimate sanctions to apply against sabbath-breakers in New Testament times. The only civil sanction specified is execution (35:2), but if this was only for a ritualistic trespass, then there was nothing for the civil government of Israel to do about non-ritual violations. Certainly there is nothing specified for the civil government to do about a now meaningless practice in New Testament times. First, the fires of the temple are long extinguished. Second, hardly anyone in industrial societies gathers sticks to light fires. This highly anti-sabbatarian conclusion concerning civil sanctions is not likely to appeal to modern sabbatarians. Yet so far, this line of reasoning is the only one which any scholar has used in response to my arguments regarding the termination of institutional sanctions against sabbath violators.

Let us return to the problem of why the Hebrews enquired of God about what to do with the stick-gatherer. Why were they unable to decide what to do with him? The text says that it was not declared to them what should be done (Num. 15:34). I interpret this to mean that as a case-law application under either interpretive scheme—either as a work transgression or as a sacramental transgression—it was not clear to them whether stick-gathering constituted a capital crime. God then said that it did. But the text does not tell us which interpretation governed. Either type of violation constituted a capital crime: false worship or sabbath work. If stick-gathering was the latter type of violation (and I think it was), we then need to ask: What constituted unlawful labor on the sabbath? My answer: (1) commercial labor was prohibited on the sabbath (Ex. 31:15; 35:2), and (2) no household labor that could be done beforehand, e.g., kindling a new fire—was permitted (35:3).

Again, it comes back to capital punishment. This is the issue that sabbatarians have refused to face forthrightly. They implicitly accept the reality of the break between the Mosaic sabbath and the New Covenant's Lord's day.

6. Nehemiah 13

What about Nehemiah 13? Here we find a specific case of sabbath-breaking by foreign merchants from Tyre who came into Jerusalem to buy and sell on the sabbath (v. 16). Nehemiah locked the doors of the city on the evening of the sabbath to keep them out (v. 19), but they clustered around the wall. "Then I testified against them, and said unto them, Why lodge ye about the wall? If ye do so again, I

will lay hands on you. From that time forth came they no more on the sabbath" (v. 21).

He could have had them executed, in terms of biblical law, but he warned them first. As foreigners, they may not have understood the specifics of the law, and because biblical law had not been enforced in the land for so long, the general public may not have understood the nature of the penalty. In this respect, modern strict sabbatarians are not much different from the people of Nehemiah's day. They proclaim the continuing application of the Old Testament's sabbatarian standards, but they have forgotten about the death penalty. By threatening to lay hands on them, Nehemiah warned them that the full rigor of God's sanctions would be imposed. For good reason, they ceased their violation of the sabbath. This does not testify to a reduced penalty; on the contrary, it shows how great a threat was involved. Once they understood that the civil government was serious about adhering to Exodus 31:15 and 35:2, they ceased selling goods in the city.

The question of strange fire was not raised by Nehemiah. The issue was buying and selling on the sabbath. While stick-gathering could have involved some aspect of outright sacramental rebellion, it didn't need to in order to call down the death penalty on violators. As far as the Hebrews were informed by God, either working on the sabbath or starting a fire could result in execution. The subtleties of biblical theology or symbolism were of no real concern to them. They simply had to avoid working and also avoid kindling a fire.

C. Mass Production and International Trade

Consider the modern metallurgy industry and its consumption of "sticks." It takes enormous quantities of power to produce steel or aluminum. Power is expensive, and grew more expensive in the 1970s, as a result of oil price hikes. The cost of shutting down a steel mill for one day and then starting it up again the next day would make the production of steel economically prohibitive. It could be done technically, of course, at some astronomical cost. It would be like the proverbial textbook example of growing bananas at the North Pole. Technically, it can be done; economically, it would involve massive losses—waste of scarce economic resources. Such waste is not tolerated by a free market. Steel could not be manufactured under such conditions. The cost of the power required to reheat a steel plant, not to mention the man-hours wasted in supervising such a wasteful operation, would force steel manufacturers out of business.

If the civil government enforced the Puritan-Scottish Presbyterian interpretation of the Mosaic law against Lord's day violations on the steel industry, there would soon be almost no domestic steel being manufactured. At that point, buyers of steel would begin to pay foreign manufacturers for their steel—manufacturers who do not honor the Mosaic sabbath. This would place the sabbatarian nation at the mercy of foreign manufacturers. The "Lord's day-desecrating" foreign firms would be rewarded for their violation; the Lord's day-honoring domestic manufacturers would go bankrupt. Furthermore, because the supply of steel would be reduced worldwide, as a result of the bankruptcy of the domestic firms, the cost of steel would rise, thereby penalizing marginal purchasers and users of steel, who could no longer afford to buy.

The only way to make steel available domestically apart from rewarding the foreign Lord's day violators would be to erect tariffs against foreign steel. This would force up the national price of steel to levels that would permit the production of six-day-per-week steel, meaning very expensive and specialized steel. The middle class and lower class would be effectively cut off from the enjoyment of many products made of steel. In a modern economy, this could produce a breakdown of the division of labor. It could produce an economic collapse, a return to low-productivity subsistence agriculture.

There is no way that steel can be produced that would not involve profits from Lord's day production. If the civil government required all profits (let alone total revenues) from the seventh day of production to be paid as a fine, or paid to the poor, then the price of steel would rise. The income from the other six days would have to cover the losses of the seventh day. The six-day-per-week revenue limitation would make the nation's steel mills uncompetitive in world markets. Again, tariff barriers would have to be placed on imported steel, and the nation in question would find its foreign markets for steel wiped out. The world consumers of steel would turn to the steel produced by "Lord's day-desecrators."

The modern economy involves the whole world in the international division of labor. Manufacturers of hundreds of thousands of products have been drawn into a worldwide market. Transportation costs have dropped steadily in the modern world, so those products that once satisfied only local needs are now facing competition from similar products produced abroad. Also, products that once stayed in a local district can now be sold abroad. The pressures of world

competition force all manufacturers to respect world market prices.

In Israel in Moses' day, a predominantly agricultural and tribal society did not involve itself in extensive world trade. There was trade, of course, but this trade was centered on the major cities and port cities. Consider an undeveloped rural economy. Transportation costs effectively insulate interior rural communities from the benefits and competition of world markets. Trade is overwhelmingly aimed at high-value, low-volume products bought and used by the rich, the powerful, and the well-connected. The division of labor is minimal, and output-per-unit-of-resource-input is low. Per capita productivity is low, and therefore per capita income is low.

The Puritan-Scottish interpretation of the Mosaic sabbath laws could be enforced in ancient Israel without wiping out whole segments of the economy only because per capita income was low, economic expectations were low, and the international market for goods did not affect most of the products in use in rural areas. More than this: If the Puritan-Scottish view of the Mosaic sabbath laws had remained in force, the sabbath-honoring economies of the world would probably still be predominantly rural, characterized by a minimal division of labor. The rhythm of the one-six week is suitable only for rural societies, if that rhythm is mandatory on all citizens on the same day.

Do we want to argue that God has determined that the low division of labor of rural life is a moral requirement forever? Do we want to argue that God has created limits on the development of world trade in the form of a rigid sabbath code that forces all men within a covenantally faithful society into an identical one-six weekly pattern?

As far as I am able to determine, questions like these have not been dealt with by defenders of a New Testament version of the Mosaic sabbath. Those who defend such a view of the Lord's day have seldom been in positions of formulating or enforcing national economic policy. This is why they have been able to avoid the hard reality of sabbatarianism. They have not thought through the economic implications of their position.

When I raised some of these questions in the appendix that appeared in *Institutes of Biblical Law* in 1973, I expected to see strict sabbatarians respond, to propose answers or at least modifications in their position that would enable them to avoid the obvious implications of their position. I waited twelve years to receive a single letter or see a single refutation in print. None came. Yet Rushdoony's book has been read by many influential theologians and Christian leaders,

and critics have attacked its overall thesis concerning the New Testament applicability of Old Testament laws, but sabbatarians have systematically, conscientiously avoided going into print with objections to my original appendix on the Lord's day.

It is now two decades since I wrote this appendix. I have yet to see a published refutation. As I wrote in 1986, the debate has not yet begun. I do not think it will. Strict sabbatarians are few in number. They have chosen not to defend their position. They prefer to maintain the formal language of strictness, despite their inability to assess the fundamental judicial issue: *the locus of sovereignty of sabbath enforcement*. They also ignore the subsidiary task: identifying the details of exactly which practices must be prohibited by law, i.e., by ecclesiastical and civil sanctions.

Silence is not golden.

D. The Puritan Sabbath

The sabbatarian heritage is unquestionably a legacy of the Puritans. It is just about the only theological legacy of the Puritans that still exercises widespread intellectual influence within the Protestant community. It does not exert widespread practical influence, because few people honor the Puritan vision of the sabbath, even though they may honor it verbally.

The Westminster Confession of Faith, a uniquely Puritan document, states: "This Sabbath is then kept holy unto the Lord, when men, after a due preparing of their hearts, and ordering of their common affairs before-hand, do not only observe an holy rest, all the day, from their own works, words, and thoughts about their worldly employments and recreations, but also are taken up, the whole time, in the public and private exercises of His worship, and in the duties of necessity and mercy" (Chap. XXI: VIII). The Larger Catechism amplifies these words: "The Sabbath or Lord's day is to be sanctified by an holy resting all the day, not only from such works as are at all times sinful, but even from such worldly employments and recreations as are on other days lawful..." (A. 117).

We lack a detailed historical study of the Puritan view of recreation. I have never seen even a scholarly article on the topic. I would never advise a doctoral student to adopt such a dissertation topic. The reason should be clear: *The Puritans had no doctrine of recreation*. It was a topic utterly foreign to them. It is exceedingly difficult to take seriously their view of holy rest when they had no doctrine of worldly rest.

1. The Puritan Obsession

There is a popular picture of the Puritans that says that they were a dour bunch, that they never laughed, or wrote poetry, or wrote plays, or created great works of art, or in any way delighted in the recreations of life. It has become popular in recent years to dismiss this picture of the Puritans as a myth. It is not a myth. It is rooted in reality—at least the reality of the documentary record.

I spent several years working with the primary sources of the colonial American Puritans, especially their sermons and legislative records. If someone were to tell me that the male Puritans were a fun-loving lot because of their fondness for taverns, I would reply: "How do you know they enjoyed taverns?" There is only one reasonable reply: "Because I read all the laws that the colony passed regulating them." In every town and in the records of the Massachusetts Bay Colony, a recurring legislative concern was the control of taverns: hours they could be open, the kinds of games that could be played in them. Legislators were obsessed with the evils of shuffleboard, and the laws repeatedly took notice of this notorious deviant behavior, restricting access to taverns by apprentices, and so forth. The legislators did their best to minimize the operations of these dens of iniquity.

What about Puritan poetry? There was Milton, whose reputation as a Puritan is somewhat questionable (though I think on the whole he was in the Puritan camp). There was no one else of comparable reputation. Anne Bradstreet, the poetess of North Andover, Massachusetts, had a collection of her poems published without her knowledge in England in 1650, and 28 years later, a larger collection was published in Boston. By this time, she had been dead for six years.[35] The other great colonial Puritan poet was Edward Taylor, who forbade his heirs to publish any of his poems, and which did not see publication until 1939. His manuscript book was not even discovered in the Yale University Library until 1937.[36] Not until 1968 was a full-length edition of seventeenth-century American poetry published. Meserole's comments as the editor are appropriate: "In New England particularly, there were strictures against too consummate an attention to poetry. 'A little recreation,' asserted Cotton Mather, was a good thing, and one should not contemplate an unpoetical life. But to turn one's mind and energies wholly to the composition

35. Hudson T. Meserole, "Anne Bradstreet," in Meserole (ed.), *Seventeenth-Century American Poetry* (Garden City, New York: Anchor, 1968), p. 3.

36. *Ibid.*, p. 119.

of verse was to prostitute one's calling, to risk opprobrium, and most important, to lose sight of the proper balance God envisioned for man on earth. The sheer quantity of verse that has come down to us proves that these strictures were not completely heeded. It is similarly clear that these strictures had their effect not only in the nature and intent of much of the surviving verse but also in the sparse numbers of poems printed in America before 1725."[37]

There were the two poems by Michael Wigglesworth, *The Day of Doom* (1662) and *God's Controversy With New-England* (1662). No copy of the first printing of 1,800 copies of *Day of Doom* survives. Meserole says that they were literally read to pieces. These two heavy dirges were obsessed with death and judgment. They were wildly popular in New England, and probably had a great deal to do with the shift in perspective in New England sermons from a more optimistic post-millennialism to a new pessimistic sermon form called the *Jeremiad* by Perry Miller.[38] These were formula sermons of imminent judgment that were as predictable as they were ineffective in achieving their goal: repentance and the "affirming of the covenant" by the second and third generations.

There were no Puritan playwrights, no Puritan sculptors, no Puritan painters, no Puritan composers of merit. They were, from start to finish, craftsmen, not artists. Puritans were theologians of artisanship, of diligence in the calling, of self-discipline and lifelong exertions to achieve middle-class output. They achieved their economic goals as no similar group in man's history ever has. They subdued a howling wilderness in New England, a land of insects, rocky soil, fierce winters, and no minerals of value, a land of which it could truly be said it was devoid of milk and honey. As a substitute, its trees had sap for maple syrup. But New England was a "promised land" of freedom and abundant land. Puritans swapped their way to wealth. "From Puritan to yankee" is a constant theme in history books, for good reason: It was a real transformation.

From beginning to end, they were obsessed with one sin. It was not sexual debauchery, it was not drunkenness, it was not theft or murder or any of the other commandments. It was the sin of *idleness* that obsessed them. In their sermons, their laws, and their pious diaries, they were obsessed with the fear that they were not working

37. *Ibid.*, p. xviii.

38. Perry Miller, *The New England Mind: From Colony to Province* (Cambridge, Massachusetts: Harvard University Press, 1953), ch. 2.

hard enough to please God. They did not believe that they could work their way into heaven, but they took seriously the dominion covenant—took it more seriously than any Christian society before or since. It was through work and thrift that they believed they could turn the wilderness into a paradise. Their efforts helped to prepare the religious soil for the industrial revolution a century later. The Methodists of the late eighteenth century were the true spiritual heirs of the Puritans, for they too adopted a theology of work and thrift. The legacy of Puritanism even bears its name: the Puritan work ethic.

One thing they never learned to do gracefully was to rest. They did not understand how they could rest and also please God. They had no developed theology of lawful recreation. They worked from sunrise to sunset six days a week. The men sneaked out to a tavern occasionally, and felt so guilty about it that for decades they elected and re-elected magistrates who kept writing unenforced laws regulating their beloved taverns. They had no systematic theology of leisure. They could not deal with the prosperity that their great efforts produced.[39] They remind me of the medieval Benedictine monasteries that also could not deal with the wealth they produced, and so suffered periods of recurring internal reform every few centuries.

2. The Marathon Sabbath

This obsession with work colored their view of the sabbath. The Directory for the Publick Worship of God, published by the Westminster Assembly, specifies this concerning Sunday activities: "That what time is vacant, between or after the solemn meetings of the congregation in publick, be spent in reading, meditation, repetition of sermons; especially by calling their families to an account of what they have heard, and catechising of them, holy conferences, prayer for a blessing upon the public ordinances, singing of psalms, visiting the sick, relieving the poor, and such like duties of piety, charity, and mercy, accounting the sabbath a delight." To which the modern reader replies: "You've got to be kidding! A delight? An ordeal beyond measure after the pressures of a Puritan workweek."

James T. Dennison's polemical defense of the Puritan sabbath (published in the guise of a master's thesis in history) is a detailed

39. Perry Miller wrote: "...the Jeremiad could make sense out of existence as long as adversity was to be overcome, but in the moment of victory it was confused.... It flourished in dread of success; were reality ever to come up to its expectations, a new convention would be required, and this would presuppose a revolution in mind and society." Miller, *From Colony to Province*, p. 33.

account of the debates concerning the sabbath of this period. Summarizing William Gouge's tract, *The Sabbaths Sanctification* (1641), Dennison wrote: "Duties of mercy consist in those which concern man's soul and those which concern man's body. Ministering to the soul includes: instructing the ignorant; establishing those who are weak in the faith; resolving doubts of the downcast; comforting the troubled; informing those in error; reproving the sinner; and building one another up in the Lord. Ministering to the body includes: visiting the sick and imprisoned; relieving the need; rescuing those in danger; and giving all other succor necessary."[40] This is in addition to works of necessity: preparing food, washing the body, putting on clothing, putting out fires in houses, closing up flood breaches, fighting in wars, releasing animals in danger. He admitted that not all sabbatarians took the following strict sabbatarian positions (though some did): no baking or cooking, walking, any kind of work, or gathering sticks for a fire.[41] Thus, we can appreciate Dennison's summary statement: "It is apparent that the Puritan Sabbath was not a day of idleness. There was as much activity, if not more, on the Lord's day as on any other day of the week."[42]

The question arises: When did these people rest? The answer: they seldom did. When they did, they had no developed theology to tell them when they had rested too much. So, out of desperation, they avoided rest like the plague.

By the early eighteenth century, Puritanism was fading. Newer religious movements arose that were capable of dealing with success—success that came from the Puritan work ethic. The second and third generations of Puritan heirs failed to affirm the covenant, join the church, and take up the "redeemed man's burden" of endless labor. Puritanism literally worked itself to death.

The Jeremiad sermon warned of God's coming negative sanctions against a faithless society. The problem was, the faithless society got ever-richer. Nevertheless, the forms of the Jeremiad were retained, decade after decade. In the 1730s, ministers were still using its outline, even though it was even less relevant as a formal exercise than it had been eight decades earlier.[43] Social and literary forms sometimes survive long after the cultural environment that gave birth to them

40. Dennison, *Market Day of the Soul*, p. 113.
41. *Ibid.*, p. 110.
42. *Ibid.*, p. 113.
43. Miller, *Colony*, p. 484.

has disappeared. Even longer lived has been the Puritan rhetoric of sabbath-keeping, a rhetoric that is still maintained by a handful of Calvinist churches whose members have never observed the detailed positive requirements for hard, merciful work that Puritan sabbatarian doctrine established, and who would transfer membership from a church that would actually enforce these requirements, and vote out of office any politician who might attempt to legislate them.

The Puritan view of the sabbath (though not its practice) has been maintained unbroken only by the more rigorous Presbyterians in the Scottish tradition. This tradition goes back to the seventeenth century. In Aberdeen, Scotland, in the 1640s, shops were shut on Thursdays, Saturday afternoons, and of course all day Sunday. On Sundays, the highways were watched to identify absentees. In April of 1646, at the height of critical negotiations between Charles I, the Scots and English representative of Parliament, Balmerino, who was travelling to Newark with an urgent message from London, stopped when he was 13 miles from his destination in order not to travel on the sabbath.[44] The Scottish-Puritan doctrine of the sabbath unquestionably had powerful effects on its adherents—effects that would today be regarded as near-pathological by those who claim that they are still faithfully upholding that very sabbatarian view.

E. General Preaching Creates Specific Guilt

1. Rayburn's Essay

In *Presbyterion*, a journal published by Covenant Theological Seminary, Robert G. Rayburn offered a standard essay on the sabbath. He defended the idea of a day of rest, and his familiar line of argumentation is that of the Presbyterian elder in the Scottish tradition. There is nothing unique about the essay, and nothing uniquely wrong with it. It is *traditionally* wrong, *familiarly* wrong, but not uniquely wrong. It is no different from a thousand other essays on the topic over the last four centuries.

What needs to be pointed out is that in a 15-page essay, he devoted fewer than two pages to the section: "Practical Questions Concerning Sabbath Observance." This, too, is typical. It is traditionally the practical questions that the sabbatarians have avoided dealing with for the last century. From the day the Scots faced the question of Sunday

44. Christopher Hill, *Society and Puritanism in Pre-Revolutionary England*, 2nd ed. (New York: Schoecken, 1967), p. 183.

railroads, the commentators (McCheyne excepted) have mumbled. When it comes to public utilities—water, gas, electricity—they do not even mumble. They are stony silent.

Rayburn offered several reasons for the sabbath, all of which are traditional and correct: the dependence of man on God; the glorification of God through worship, especially corporate worship; the biological need for rest in the weekly rhythm. He said that Christ observed the sabbath, and He used it for works of mercy. Equally predictably and equally traditionally, he rejected the clear meaning of Paul's words in Colossians 2:16–17 concerning new moons and sabbaths, arguing that Paul was really concerned about a "teaching which was a mixture of Jewish ritualism and an Oriental Gnostic-type philosophy." He therefore concluded: "So this passage, as well as two others which do not use the word 'sabbath' but speak of observing days (Rom 14:5 and Gal 4:11), obviously do not refer to the observance of the first day of the week as the Lord's Day, the Christian's sabbath, for Paul observed the first day himself and directed others to observe it by setting aside their offerings to the Lord (I Cor 16:2). He was instructing believers not to attach special significance and sacredness to Jewish religious festivals and thus to pass judgment on those who failed to observe them, but rather to rejoice in their wonderful new-found liberty in Christ. As for the observance of the first day as the Lord's Day or Christian Sabbath, all Christians, Jew and Gentile, kept it."[45]

Where should I begin? First, if this really is the meaning of these passages, then why do churches refuse to insist that the civil government execute sabbath-breakers, as required by Exodus 31:15 and 35:2? If the locus of sovereignty of enforcement has not shifted to the individual conscience, then on what basis do New Testament commentators assert (implicitly or explicitly) that civil government is no longer the responsible agent of enforcement? Why has the church remained silent about the death penalty for two millennia? After two thousand years, the silence has become deafening. Second, it is not true, as Bacchiocchi's Ph.D. dissertation[46] makes clear, that all Christians, Jew and gentile alike, worshipped on the first day of the week in Paul's day. Third, just because Paul insisted on corporate worship

45. Robert G. Rayburn, "Should Christians Celebrate the Sabbath Day?" *Presbyterion*, X (Spring-Fall 1984) pp. 83, 84.

46. Sameule Bacchiocci, *From Sabbath to Sunday: A Historical Investigation of the Rise of Sunday Observance in Early Christianity* (Rome: Pontifical Gregorian University Press, 1977).

does not explain why the day of the Lord is to be a day of rest. It only shows that corporate weekly worship is required by New Testament law. Paul emphasized this because there was no equally clear-cut requirement for sabbath worship in the Old Testament.

What did Rayburn say is required? We must glorify God by not making Sunday a day of doing our own personal desires and pleasures. There are no definitions, no examples, no study of what is restful or fun, what is allowed and prohibited. In short, he burdens his readers (should they take him seriously) with a mountain of guilt. They are told to be faithful to God, but they are not told how. This, too, is traditional.

We must make the day a day of rest, he said. But rest really does not mean rest; it means . . . ? (Marathon sabbath? What?) "Resting on the Sabbath does not mean staying in bed all day or even most of the day, although some rest for the body is certainly appropriate." But, we should be moved to inquire: What amount of time in bed is appropriate? He did not say. In short, here is another pile of guilt for the reader. How about a one-hour nap? A two-hour nap? Why all this chatter about staying in bed all day? Who on earth ever recommended staying in bed all day? This is a serious article and a serious topic, yet what we are given is exaggeration and hyperbole rather than specific, God-required guidelines. This is all that we ever get from sabbatarian commentators. This is all we have been given for 400 years. We grow tired. We want rest from guilt. We want specifics. When will the sabbatarian commentators give us rest?

Then comes the usual refrain: *evil restaurants*. "Since the obedient believer is to observe the Sabbath as a holy day of rest, he must be careful not to interfere with others having the same privilege. He must not keep others working that he might not need to work. The waitress or cook at the restaurant and the attendant at the filling station have the right to rest also."[47] Restaurants on Sunday: Here is the modern Calvinist's equivalent of taverns in seventeenth-century New England.

This essay is neither better nor worse than a century of similar essays, which stream endlessly from the pens and word processors of theologians who simply will not take seriously the problems of economics and their relationship to the Bible. They just hammer away at the helpless readers, who desperately need specific, God-required guidelines. Neither do the commentators confront Exodus 31:15 and

47. *Ibid*., p. 86.

35:2. They refuse to deal with the problems of public utilities, yet they criticize those who attend restaurants. It is clear why: *they* do not attend restaurants on Sunday. *It is exegesis based on personal convenience and tradition*. Such exegesis is productive of nothing except guilt, and perhaps a late reaction against sabbatarian precepts because of the lack of guidelines. The exegesis never progresses, because it never gets sufficiently explicit in its applications. It still sounds as though it was written in 1825—and even then, such exegesis was running into difficulties with respect to the industrial revolution.

2. Preliminary Conclusion

The New Testament Lord's day is not the same as the Old Testament sabbath. The shift in the day of the week, from Seventhday (Saturday) to Firstday (Sunday), which is in fact the Eighthday, indicates that there are fundamentally new aspects of the Lord's day. This shift enables us to understand better Paul's warning of *a shift in the locus of enforcement* of the "day of rest" principle: from the ecclesiastical and civil governments to the conscience of the individual, meaning the head of the household.

By attempting to impose the workweek rhythms of the sabbath-honoring Old Testament rural society onto a modern industrial economy, the civil government would destroy modern civilization. This fact has been "honored in the breach" by most magistrates and church officials for several centuries, but sabbatarian theologians have yet to present a coherent biblical case that would morally justify this "aversion of the eyes" of civil and ecclesiastical governments. Church leaders see what is going on, yet they remain silent.

It is one thing to say that the conscience governs the selection and enforcement of the day of rest. It is something else to say that the church may not enforce the day of church attendance. The New Testament's emphasis on the Lord's day as a day of worship may have eliminated the role of the civil government in enforcing public rest, but what about the institutional church's unquestioned right to name the day of public worship for its members, and to establish times for worship? Does the church have an obligation to provide alternative times of worship for members who, because of specialized occupations, decide to honor the rest principle by resting on a day other than the first day of the week?

F. Rescheduling Worship

It is not normal in a Christian nation to find that most occupations of necessity involve labor on seven consecutive days. In fact, most of them are five-day occupations, leaving time for goofing off Saturday (that terrible Roman word for Seventhday), to watch televised sporting events all day in violation of God's one-six pattern for the workweek. But a few members are called to occupations that require Sunday work at least occasionally. And, by the grace of God, most pastors say nothing if the practice does not spread.

1. Rescheduling Passover

We find a parallel in the case of the Israelite who was not able to celebrate the Passover in the specified month, the first month of the year.

> Speak unto the children of Israel, saying, If any man of you or of your posterity shall be unclean by reason of a dead body, or be in a journey afar off, yet he shall keep the passover unto the LORD. The fourteenth day of the second month at even[ing] they shall keep it, and eat it with unleavened bread and bitter herbs (Num. 9:10–11).

Why would any man be on a journey? What would a Hebrew be doing outside the nation? He might be on some sort of a foreign policy mission, serving as an ambassador of the king. He might have been an evangelist. More likely, he would have been a merchant. His occupation kept him away from Jerusalem in this important month. For those who had a legitimate excuse, the Passover could be celebrated in the second month of the year. Not many people would have had a legitimate excuse. This was no license for missing the Passover feast. "But the man that is clean, and is not in a journey, and forbeareth to keep the passover, even the same soul shall be cut off from among his people: because he brought not the offering of the LORD in the appointed season, that man shall bear his sin" (Num. 9:13). The penalty was excommunication from the congregation. The first-month Passover was normally binding, but those on journeys were exempted.

The law of God provided a means of satisfying the requirement of the Passover in certain instances when, through no fault of the individual, it was impossible or unlawful for him to enter into the celebration. Old Testament law was not perfectionist. It acknowledged the problems men face in complying with its terms. The law was neither

perfectionist nor antinomian. Within the framework of the law, there is no temptation facing man which is in surmountable; God offers a way of escape (I Cor. 10:13).

The normal requirement was that each family should celebrate the Passover on the fourteenth day of the first month of the year. There was an institutional arrangement that enabled each man to fulfill the terms of the covenantal celebration. This should convince us that the celebration of the New Testament version of the Passover, namely, the weekly communion feast, normally takes place on the day of rest, but this should not be absolute in every instance.

2. Worldwide Trade: Passover vs. Dominion?

The question then arises: What if the Hebrew were on a distant journey? What if he couldn't return to Jerusalem even for the second Passover? If the journey were limited to the Middle East, there could be time available to return. But what if the Hebrew were visiting North America on a trading mission? They did journey this far in the days of Solomon, although conventional historians refuse to face the evidence.[48] A remarkable piece of evidence for just such a journey is the Los Lunas stone near Los Lunas,[49] New Mexico. The alphabet used was a North Canaanite script that was in use as early as 1200 B.C., and would have been no later than 800 B.C. Here is what the inscription says:

> I am Yahweh your God that brought you out of the lands of Egypt.
> You shall not have any other gods beside me.
> You shall not make for yourself any graven image.
> You shall not take the name of Yahweh in vain.
> Remember the day of the Sabbath, to keep it holy.
> Honor your father and your mother, so that your days may be long on the land which Yahweh your God is giving to you.
> You shall not murder.
> You shall not commit adultery.
> You shall not steal.
> You shall not testify against your neighbor as a false witness.
> You shall not covet your neighbor's wife, nor anything of your neighbor's.[50]

48. Barry Fell, *Bronze Age America* (Boston: Little, Brown, 1982).

49. This is the correct name, despite the normal Spanish usage of the article "los" as masculine and "as" suffixes as feminine.

50. Jay Stonebreaker, "A Decipherment of the Los Lunas Decalogue Inscription," *The Epigraphic Society Occasional Publications*, Vol. 10, Pt. 1 (1982), pp. 80–81. Several of the papers in this issue deal with Los Lunas. For a photograph of the stone, see Barry Fell, *Saga America* (New York: Times Books, 1980), p. 167.

Here we have evidence of a worldwide trading system. Barry Fell's revolutionary books demonstrate how early this trading system existed, especially his book, *Bronze Age America* (1982). There is no doubt that the Hebrews were involved in this trade.

What could a distant Hebrew trader have done about Passover? The Bible does not say, but it seems clear that he would occasionally have missed a Passover celebration. There is no specific release provided in the law, but to have required Passover for every Hebrew, regardless of circumstances, would have restricted the spread of Hebrew culture and trade. The Ten Commandments would have been far less likely to have wound up on a rock in New Mexico. Thus, we have to speculate about the rule of God's law as applied by the priests. Was the "dominion mandate" or dominion covenant to be sacrificed on the altar of formal adherence to ritual requirements? Was the celebration of the Passover more important than the subduing of the earth? Should we not conclude that the laws associated with Passover were flexibly applied in cases where Hebrews had legitimate, world-subduing reasons to be absent from the festival?

The same problem faces modern keepers of the sabbath or Lord's day. What should a pastor do in cases where a church member must work on the traditional day of rest to keep his job, because of the nature of that job? Wouldn't the best approach be to go to the member and see whether he is taking another day for his rest? After all, the early church took Seventhday off in Israel, because it was the law of the land. Would it not be proper for the member to do the same? The priests of the Mosaic era must have taken other days off, family by family. Should we not regard modern laborers as priests? "But ye are a chosen generation, a royal priesthood, an holy nation, a peculiar people…" (I Pet. 2:9a). No doubt, most priests rested on the national sabbath day in Israel. No doubt, most Christians rest on the Lord's day. Would it not be proper to acknowledge the legitimate exceptions—profanations of the Lord's day that are blameless?

3. Rural Life Forever?

We have to ask ourselves this fundamental question: Did God establish the self-sufficient rural society as His perpetual societal standard? Is this standard still morally binding on Christian cultures? The Mosaic sabbath was specifically created as a means of preserving an economy that adhered to a six-one rhythm of the workweek. Even the most seemingly trivial violation of the pattern, namely, stick-gath-

ering, was to be punished by death. It is difficult for us to imagine the smooth operation of a modern industrial economy within the stated framework of Numbers 15. But the Mosaic law was not perfectionist. It did allow exceptions with respect to Passover. It is likely that similar exemptions existed for other celebrations for Hebrews with unique occupations. But there is no list of exceptional occupations in the Old Testament that proves that such exceptions did exist, other than for the priesthood itself. It should be clear that anyone appealing to the elders for an exemption would have had to prove his case, namely, that his occupation unquestionably required seven-day operations.

It is true that automation is steadily reducing the number of people who must be employed on any given day, but engineers and emergency servicemen must be there to keep the equipment running. The moral issue of using services that require only a few men to violate the Lord's day, simply because there has been a change in technology, is still a question of right and wrong. In any case, could such a technology ever have developed, had Sunday workers been prohibited from the very beginning in the light and power industry?

What the strict sabbatarian is calling for is a drastically reduced material standard of living one day per week, an alteration of modern life styles so radical that its consequences for the economy can barely be contemplated. The Puritan-Scottish interpretation of the Mosaic standard is undeniably rigorous: no cooked meals, no restaurants, no television, no radio, no newspapers delivered on Sunday or Monday morning (Sunday production), no hot water for showers or shaving (unless produced by wood heat, solar power, or bottled gas), no commercial recreation centers, no air conditioning (unless powered by home diesel electrical generators), no gasoline stations open (except one or two stations on a rotating basis, and only for servicing emergency vehicles or aiding legitimate travellers in an emergency—state-certified legitimate travellers), no supermarkets open for business, and endless forms to fill out in any commercial operation in order to justify the emergency nature of the sale, with fines and warnings for buyers and sellers for first violations, and death for repeated violations.

It should be understood that these conclusions are minimal ones; a strict sabbatarian civilization, if it is to remain true to its professed faith, would have to impose these restrictions, and it might very well find other wide-ranging applications of the sabbath principle. That

contemporary sabbatarians, or even most of the sabbatarians since 1825, have refused to discuss the comprehensive specific proposals that follow from their position, has led to confusion on the part of church members. That anything so minimal as not going to a restaurant on Sunday has become the "litmus test" of strict sabbatarianism indicates just how misleading modern sabbatarianism has become. Closing all restaurants on Sunday would be the mere beginning, not the end, of civil legislation in a sabbatarian commonwealth.

G. Proposal for Lord's Day Reform

What I am proposing is a consideration of the possibility that the Old Testament did make provisions for an alternate sabbath observance schedule for people whose professions, by their very economic nature, require seven-day operations. If so, then the New Testament Lord's day should also make provision for an alternate day of rest-worship for certain individuals. When some employees must work on the day of normal worship, the church could make another day of the week available for rest and worship. In our era, it would probably be Saturday, when the whole family is at home. If several churches with similar theological views made a single service available for their Sunday workers, the fact that few members per congregation are in need of the alternative day would not be a pressing institutional problem. A few members from several congregations could meet to partake of the Lord's supper in the evening. In short, the churches should make institutional provisions for those who are required from time to time to work on the day of rest.

Certain professionals, such as policemen and firemen, are already granted a kind of unofficial "Lord's day-desecration voucher." They are not brought before the elders for working on Sundays. They are also paid by the civil government for their Lord's day-desecration activities. But this is an unofficial exemption. Sabbatarian churches, as far as I have been able to determine, make no official institutional alterations for these church members to celebrate communion. These members are simply ignored. Elders "shrug off" the whole problem. Why not face the problem, and rethink the whole question of legitimate employment on the Lord's day, and legitimate communion meals on other days of the week?

Admittedly, corporations and small firms should see to it that no one employee is stuck permanently with Sunday (Firstday) assignments. This assignment should be rotated, so as not to disrupt men's

worship on a permanent basis. But labor on the Lord's day is not automatically to be regarded as Lord's day desecration.

1. Priestly Exemptions

There is always the standard solution to the general problem posed by the steel industry example: the "works of necessity" argument. Perhaps this really is the right approach. The sabbatarian argues that steel is vital to the economy. Such an argument certainly seems reasonable. Then, because there appears to be no way to produce steel on any basis except seven days per week, the steel industry should receive a special dispensation from the church and the state that allows it to go on producing. While the Lord's day is profaned, the profaners are held guiltless. The owners (share-holding investors), managers, and laborers are treated as Christ said that God treated the priests in the temple. They are held innocent. Those associated with steel production have become "honorary priests." They are laboring in a vital industry, so this constitutes an assignment from God, comparable to God's assignment to his priests in Moses' day. They become exempt from the Lord's day prohibitions.

The church or state that takes this position has decided to become involved in endless appeals from industries that want to be reclassified as "priestly" in nature: vital to the economy and also innately seven-day operations because of the nature of the markets they face. What predictable, legal criteria would the state use to determine such questions? What constitutes a vital industry? Which industries, now just starting out, will (and should) be allowed by the civil magistrates to become vital? Which industries used to be vital, but are no longer vital? Public utilities? (What about cable television service?) The healing professions? (What about cosmetic plastic surgery?) Should they be allowed to charge a fee for "emergency service"? What is an emergency service?

Having somehow solved the problem of providing legal definitions of vital services and products, the state's authorities would then have to decide what market pressures really face these industries. Are they really required to operate seven days a week? They may say that they are, but are they? What criteria should be used by civil magistrates to determine the true state of affairs? Which factors determine the economics of any particular profession or industry and its market? Foreign competitors (including competitors across the county line, or state line)? Consumers' buying habits (including consumers across the county line or state line)?

2. The World State

Perhaps most important, how can we grant such a decision-making authority to the civil government without seeing the creation of a vast, arbitrary, powerful bureaucracy? These questions concerning "works of necessity and mercy" and "true state of market competition" are enormously complex. They cannot even be decided on a local basis, given the worldwide division of labor. They cannot even be decided nationally. They have to be decided by a world state—a state that has the power to enforce its decisions.

The Mosaic sabbath was to be enforced in Israel, whatever its exemptions for specific occupations, despite tribal practices or preferences. With the breaking of the old wineskins of Israel's economy (taken in the broader sense of "economy"), any church that would impose the Mosaic sabbath laws now faces an enormously more difficult and complex task. How can it define the problem areas? How can it enforce its decisions internationally? And if solutions can be found to these questions, there is always the critical one remaining: How can a world state enforce the Mosaic sabbath without becoming top-heavy, imperial in nature, and a threat to the very idea of decentralized Christian institutions? How can the Mosaic sabbath be enforced in international markets without destroying the legal basis of freedom, namely, predictable law enforced by an impartial civil government?

Will sabbatarians now argue that nations have to come to an agreement on the nature of the semi-priestly offices (e.g., steel workers, physicians, public utility workers) and the nature of the markets facing them? But what if one or more nations will not agree? If there is no enforcement mechanism internationally, will sabbatarians then argue that each nation must decide for itself, in terms of a hypothetical "national conscience"? And once they admit this exception, what is to prevent further extensions of this "conscience" exemption: to the states or provinces, to the counties, to the cities? What about to the churches? And finally, we find ourselves right back where the Apostle Paul began in Romans 14:5, namely, with the conscience of the individual Christian.

If sabbatarians refuse to allow conscience to decide, then the exegetical war will be carried right back up the chain of appeal: to denominational authorities, to the cities, counties, states or provinces, nations, and finally to the world state. Each level of government attempts to impose its view of the Lord's day on those below it. But the Mosaic law does not tell men what to do on the sabbath, and the

New Testament does not tell men how to rest. Will we need a world state to enforce laws against idle talk (Isa. 58:13)? What will constitute, or should constitute, lawful recreation? Is walking through a garden lawful? How about running through a garden? How about running after a ball in a meadow in front of paying spectators? On worldwide television? And if some nation's rulers decide that playing football (soccer) on worldwide television is immoral, then watching it is equally immoral. Will they set up jamming stations to keep out the satellite broadcasts? (Operating state-owned or state-licensed jamming stations would unquestionably be classified as a sabbatical work of necessity.)

H. Leisure

We do not know for certain how Adam and Eve spent their first sabbath, although it seems likely that they ate of the forbidden fruit on this day. We do not know how they spent their second sabbath, though it probably was outside the garden. We do not know how the sabbath operated from Adam and Eve until the Hebrews experienced the manna that would not come on the seventh day. We do not know how the Hebrews spent their sabbaths. We know a little about what they were not to do, but nothing for certain about what they did.

We know what the early Christians did on the Lord's day: They worked for a living. At the end of the day, they went to a meeting and ate the Lord's Supper.

We have sufficient revelation to know that the normal pattern of the week is to rest one day and work for six. Must we always work six days? The Mosaic law said *yes*, in general, but it also established other feast days and days off. There are problems of applying God's word to specific cases.

These were precisely the problems faced by new Christians in Romans 14:5. They are our problems, too. Which days off are legitimate? Which day should men take off during the week? None? One (Sunday or Saturday)? Two (Saturday and Sunday)? Three (Saturday, Sunday, and Monday, given the trade unions' pressure to create three-day holidays whenever an American national holiday rolls around)? What is the answer? What is the incontrovertible, conscience-binding answer that all Christians must respect, because it is so clear exegetically and historically? Which is the morally and legally binding day for rest?

The answer is not so easy to produce. Sunday (the Roman name for Firstday) is the common day of worship and therefore preferable,

although the early church could not always adhere to it as the day of rest. But some members have to work on Sunday, at least part of the day. In practice, the churches tend to acknowledge this economic reality, so long as the individual shows up one Sunday out of three or four. Why make exceptions at all? Why not get every member to quit his job if it requires Sunday labor? Because the church officials are more realistic when they count the tithes than when they read sabbatarian tracts. They do not want trouble. They acknowledge in practice what their tracts deny: Men do have legitimate callings that appear to be seven-day operations by economic necessity. Cows need milking, and churches need tithes.

This raises the question of legitimate leisure. What should men do for leisure? Also—a question virtually never discussed by sabbatarians—what kinds of leisure are legitimate on the other six days of the week? God's law gives no indication that the six days of labor in a normal week were to involve leisure activities. With the exception of national (nonweekly) sabbaths, and the various feast periods (Deut. 14:23–29),[51] men were told to work six days a week. Yet it is obvious that people cannot long sustain a life of zero leisure six days a week—not if they are to maintain their productivity. They sleep, they eat, and they chat. They teach their children (Deut. 6:7).[52] Presumably, families enjoy some hours of leisure during the day. But the Bible says nothing about such leisure, or when it is legitimate to enjoy it during the week or during the day. It leaves this decision to the individual conscience, within the framework of family schedules and occupational requirements. If idle talk—"speaking thine own words" (Isa. 58:13)—is prohibited on the Lord's day, then is it legitimate on the other six days? If doing "thy pleasure" is prohibited on the Lord's day, then is it legitimate on other days? Or are these things prohibited generally, but especially on the Lord's day?

Bishop J. C. Ryle had answers, or at least strong opinions, in regard to lawful and unlawful leisure on the Lord's day.

> When I speak of private Sabbath desecration, I mean that reckless, thoughtless, secular way of spending Sunday, which every one who looks around him must know is common. How many make the Lord's Day a day for giving dinner parties—a day for looking over their accounts and making up their books—a day for reading newspapers or novels—a day for talking politics and idle gossip—a day, in short, for anything rather than

51. North, *Inheritance and Dominion*, ch. 35.
52. *Ibid.*, ch. 15.

> the things of God. . . . When I speak of public desecration of the Sabbath, I mean these many open, unblushing practices, which meet the eye on Sundays in the neighbourhood of large towns. I refer to the practice of keeping shops open, and buying and selling on Sundays. I refer especially to Sunday trains, Sunday steamboats, and excursions to sea and country, and the opening of places of public amusement; and to the daring efforts which many are making in the present day, to desecrate the Lord's Day, regardless of its Divine authority.[53]

This is quite a list of desecrations. But let us add some more. What about watching television on the Lord's day? Not allowed? Then what if we could make video recordings on the Lord's day with our electronically controlled video machines (with automatic timers)? Not even then, by the consistent logic of sabbatarianism, for men and women must labor at power-generating stations and television stations in order to deliver the programs to our lifeless video machines.

What about listening to music? With a church choir, it is obviously legitimate. What about classical music? At the park? Aren't the performers working? What if they are offering their services voluntarily? What if they are amateurs? Possibly legitimate. What if they are professionals who are paid on other days of the week to practice, but who then play on Sunday? Who pays them? The city? This is socialism. A private corporation? This is business (advertising). A charitable organization? Possibly valid.

What about listening to a radio broadcast of classical music? Not if you use public power or public airwaves. Then again, is classical music really valid? Should we regard it as Christian? Would we allow listening to folk music as a Lord's day activity? After all, is folk music or popular music any less secular than Wagner or Beethoven? Choirs sing words, and words are a form of preaching. Choir music is therefore valid on Sunday—music performed "in his sanctuary" (Ps. 150:1); all other music, delivered anywhere but in church, is either suspect or outright illegal, given the Mosaic law.

How do we settle these issues by means of legislation? How do we create an enforcing bureaucracy to police such activities without jeopardizing freedom? How can sabbatarian expositors go on writing tracts without providing plausible biblical answers to these practical, inevitable legal questions? How, in short, can we legitimately remove these questions from the area of human conscience and transfer their

53. John Charles Ryle, *Lord's Day or the Christian Sabbath* (London: Lord's Day Observance Society, n.d.), pp. 17–18. He wrote in the late nineteenth century.

enforcing to an agency of institutional government, other than the family, where the father's conscience is given legitimate authority over his children? If men must struggle intellectually and morally to discover concrete answers to Lord's day questions for their own lives, businesses, and families, then how can we expect the institutional church or the civil government to come to recognizably valid, freedom-protecting conclusions? In short, how will we design institutional restraints on the bureaucrats?

I. Additional Questions

There are other questions that need practical answers. A corporation or business may permit people employed by it to take a day off each week, yet the firm remains open seven days a week. The example of a restaurant is useful here. The restaurant may remain open on Sunday, helping to make a day of rest available to housewives. Some of the employees must work on Sunday, but their labor makes it easier for families to enjoy a meal together without putting burdens on the wives. Most of the employees are given another day off. They take a day of rest on a day other than Sunday, just as members of the early church did.

1. Is a Business a Person?

Here are some fundamental questions. If the firm splits working schedules for Sunday laborers, allowing them to attend morning or evening worship services, has it profaned the Lord's day blamefully or blamelessly? If workers take another day off, has the firm forced its employees to violate the Lord's day? If so, then everyone who spends money in that restaurant on Sunday is as guilty as the proprietor and the employees. Second, is the firm to be treated as a person? Must a firm remain closed one day each week, even when employees are given alternate days of rest?

The problem exists, especially in an urban, industrial society, because of the high division of labor and high specialization of production. Companies serve the needs of large numbers of people. The rhythm of rural, subsistence farming can be more easily geared to a six-day workweek than the rhythm of an industrial society. *The workweek's rhythm in an industrial society is necessarily flatter*, because its members are far more dependent upon the availability, moment by moment, of services of other citizens than is the case in a low division of labor rural society. Urban dwellers do not produce many goods for

their own personal use; they produce specialized services or goods for sale. If we can legitimately buy natural gas or electricity from a public utility in order to cook our Sunday meal, then why is it illegitimate to buy a meal at a restaurant? Either both acts are blameful violations of the Lord's day, or neither, assuming that the selling firm does not require seven days of consecutive labor from individual employees.

2. Cooking on the Lord's Day

The Mosaic sabbath in the wilderness seems to have required the baking of manna on the sixth day; they ate cold cakes on the sabbath. Will strict sabbatarians call for the death penalty of anyone cooking on the Lord's day? If not, why not?

The issue of cooking on the Lord's day is a difficult one. The Hebrew women probably cooked their manna cakes on the sixth day during the period they spent in the wilderness. We are not told specifically in the Mosaic law that cooking was permanently abolished on the seventh day. At the same time, the experience in the wilderness was to have given them indications concerning the cooking schedule preferred by God, and that schedule involved storing up cooked food the day before the sabbath, just as it involved storing up extra firewood.

When we come to the New Testament, we face a more difficult problem. The Lord's day should be timed from morning to morning.[54] The communion meal in the first-century church was an evening meal. Must we therefore conclude that this communion meal, the central weekly event in the life of the corporate church, prohibited the eating of freshly cooked food? Does the Sunday evening meal have to be cooked on Saturday night or even earlier on Saturday? Would we not expect the wives in the early church to have prepared their best meal of the week for this night? On the other hand, is the Lord's day to become a day of cooking competition? In modern churches, the existence of Sunday evening church suppers stands as a testimony to sabbatarian confusion.

Meals, whether cooked or leftovers, leave messes behind. What are wives to do, leave the crumbs lying on the table for the benefit of rodents and insects? But if they clean up the table and kitchen in their households, haven't they violated the Lord's day? If so, is this a case of Lord's day desecration comparable to the desecration of the priests, that is, blameless? May they use hot water to wash dishes?

54. Appendix F.

Can they legitimately (blamelessly) draw such hot water out of the tap? If so, someone is on duty at the local public utility company, serving the needs of the Lord's day-desecrating wives. It takes power to heat water. It also takes a water company to deliver water that is to be heated.

The modern church has given no systematic thought to these issues. The Protestant churches have their Sunday evening covered dish suppers, and no one goes away feeling guilty about having cooked on the Lord's day or having eaten cooked food on the Lord's day. But the ethical question still remains: Is cooking on the Lord's day a sin?

3. Evading the Problems

These are relevant issues. The fact that they are not discussed seriously by modern defenders of the Puritan-Scottish sabbath is an indication of the political impotence of those who defend it. They write their booklets and preach their sermons, but the authors do not address their tracts to those officials who make decisions, or who might possibly make decisions in the future, in the world of business and government. Their tracts and booklets fail to speak to these issues. They are written as if we were still in the deserts of Palestine, as if paper and ink were not produced for international markets, as if the steel in printing presses could be produced in a six-day workweek. These men are rather like the professional ecologists who decry pollution and then climb into their automobiles to be driven to airports, where they fly on mass-polluting jet planes in order to give their emotion-laden speeches.

The writers of sabbatarian tracts would better spend their time in dealing with the real questions, the questions of conscience. What are the guidelines that pastors should use in counselling guilt-ridden congregation members who realize that they have ignored the one-six pattern of covenant man's week? How should pastors and elders teach the Lord's day, in order not to pressure excessively those who have not fully understood the implications in their own lives of the Lord's day, but who still need instruction? How can leaders deal with ignorance without violating consciences? This is the focus of Romans 14:5. Here is where we need tracts, books, and seminars.

J. Sabbatarian Debates in England

After this appendix was typeset in 1985, I went on vacation. In a Church of England book store in London, I found a copy of John

Wigley's *The Rise and Fall of the Victorian Sunday*. This book is a scholarly survey of the debate over sabbatarianism from Puritan days until the twentieth century, but focused on the nineteenth century. I decided to add a summary of this little-known history to this appendix.

What I learned from the book is that many of the issues that I had raised in this appendix had been discussed at length throughout the period, 1550–1900, and in many cases, the debates had been taken to Parliament for reconciliation. Parliament never was able to reconcile them. Thus, the seemingly hypothetical arguments found in my theoretical discussion of various sabbath issues were far from hypothetical in English history.

Wigley's book presents evidence that the most decisive changes in English attitudes and manners took place between 1780 and 1830, the period of the early industrial revolution. Wigley cited several authorities, including Charles Dickens, to this effect.[55] Each social group had different values and manners, and all were subject to changes in the nineteenth century.[56] He argued that English sabbatarianism was the primary influence on the Victorian sabbath, and that it was an integral aspect of English life and history.

The sabbath debates began long before 1780. Sunday amusements were prohibited by law by the Sunday Observance Act of 1677, which was passed not in the Cromwell era but over a decade and a half into the Restoration era of Charles II. A century later, in 1780, Anglican evangelicals were able to pressure Parliament to pass an Act that made it illegal on Sunday to charge admission to places of entertainment.[57] They wrote in a loophole for themselves, however, which was taken advantage of by their opponents a century later: religious organizations were allowed to charge a fee.

1. Elizabethan and Puritan England

In the mid-sixteenth century, the Church of England had no clearcut teaching with respect to the sabbath. In 1569, Queen Elizabeth authorized certain sports on Sunday: archery, leaping, running, wrestling, and oddest of all, hammer throwing. In 1574, she authorized other sports, but forbade them during church services. Bear-baiting and bull-baiting were prohibited.[58] A 1580 law against Sunday plays

55. John Wigley, *The Rise and Fall of the Victorian Sunday* (Manchester University Press, 1980), p. 1.

56. *Ibid*., p. 2.

57. *Ibid*., p. 3.

58. *Ibid*., p. 14.

in London pushed plays into Southwark,[59] an early indication of the problem faced by all strictly local sabbatarian legislation: geographical escape. Then, in 1595, Nicholas Bownde published his strongly sabbatarian book, *The True Doctrine of the Sabbath*: no saints days during the week, and no recreations on Sunday. Controversy increased from that time until the Puritan Revolution of the 1640s.

In 1618, James I issued his *Book of Sports*, in which he reaffirmed the legality of Elizabethan Sunday sports. His recommended Sunday was recreation-oriented. The English Calvinists, following Bownde rather than Calvin, were outraged. Many non-Calvinists in the Church of England shared their views. Restrictions on Sunday travel were passed in 1625 and 1627.[60] The debate accelerated after 1633, when Arminian Archbishop Laud promulgated Charles I's rewrite of his father's *Book of Sports*, and required it to be read in the churches. Essentially, the debate was between the "marathon sabbath" Puritans and the "recreation sabbath" traditionalists.

During the Puritan era, 1642–1660, the Parliament abolished all remaining saints' days and holy days, along with Christmas and Easter, and substituted the second Tuesday every month as a holiday for apprentices. Why there was a legitimate exception to "six days shalt thou labor" was not explained. This was the Act of 1647.

The problem of technology arose in this era. What about occupations that seem to be seven-day operations? "In 1657 two Acts forbade between them milling, cloth-making, tallow-melting, baking, brewing, soap-boiling and distilling—trades in which natural contingencies, market pressures and technical considerations made it difficult to avoid Sunday work."[61] But, as the author says, Parliament met on Sundays during emergencies. Furthermore, Cromwell was no sabbatarian.

The debates continued. The rival opinions concerning the proper administration of the sabbath proved to be irreconcilable. Many of the same disagreements persist today. "Even before the Civil War disputes about the commandment's meaning had raised disconcerting issues of principle. If the Fourth Commandment no longer applied in its full and original force, did the other nine? If it applied to all men, was a servant right to disobey his master's order to work on the Sabbath? Who should judge in such cases? Now extremists claimed that the Sabbath should be kept from sunset on Friday till sunset on

59. *Ibid.*, p. 15.
60. *Ibid.*, p. 19.
61. *Ibid.*, p. 23.

Saturday, mystics believed that Sabbath-keeping destroyed true spiritual religion, the Quakers taught that there should be no distinction of days and the Diggers began to cultivate St George's Hill on a Sunday. No less a person than Milton thought that the only true guide and authority in such matters was the individual's conscience."[62] The question arises: How can society find rest from these interminable disagreements? How can church and state be governed by God and be blessed by God if God-fearing people have discovered no way, at least so far, to come to an agreement about these issues?

2. The Traditional Sabbath

The Puritan era and its legislation lapsed in 1660, when Charles II came to the throne, but sabbatarian pressures continued. The Sunday Observance Act of 1677 was the king's attempt to forestall a more rigorous bill being considered by the House of Commons. It prohibited all Sunday labor except for emergencies and charity, and prohibited all retail trade, except for the general sale of milk and meat for inns and other restaurants. It severely restricted Sunday travel.[63] Opposition began almost immediately, for sabbatarian ideas were beginning to lose their popularity. The Act was more closely enforced in rural areas; in the cities, retail sales were overlooked where custom allowed, except during worship services.

What about honoring the sabbath in the home? Would it be a feast day or a fast day? Different groups took differing positions. Some upper class members ate uncooked meals, banished secular reading, newspapers, horseback riding, needlework, and painting on Sunday. Others used the day for huge feasts, toured the kennels and gardens, and ate a light supper, thereby allowing servants to attend the evening meeting.[64] For most Englishmen, it became traditional to have the best meal of the week on Sunday. The middle classes followed this tradition, but generally avoided recreation. There the matter rested—with regional tradition as the primary guide—for a hundred years.

In the 1780s, sabbatarianism had a revival.[65] In the 1790s, sabbatarianism was set in contrast to the anti-sabbath ten-day week of the French Revolution. Loyalty to Britain and sabbatarianism became linked.[66] William Wilberforce, who would soon take up the cause of

62. *Ibid.*, p. 24.
63. *Ibid.*, p. 25.
64. *Ibid.*, p. 83.
65. *Ibid.*, p. 26.
66. *Ibid.*, p. 27.

abolitionism, in the late 1780s became a moderate sabbatarian. Parliament reacted negatively to these views in the 1790s, loosening some of the old requirements of the 1677 law, legalizing bakers' work from 9 a.m. to 1 p.m. Sundays, when they could sell puddings and meat pies (the poor man's Sunday dinner). In a very real sense, the home sabbath made itself felt in the marketplace; the law was revised in order to favor an easier celebration of the home feast. Parliament rejected several attempts over the next 30 years to outlaw Sunday newspapers.[67]

In the 1820s, the sabbatarians emerged as a determined group with a strong sense of mission.[68] Rev. Daniel Wilson preached a series of sabbatarian sermons in 1827. In 1831, he helped found the Lord's Day Observance Society (LDOS), which still exists. (It published F. N. Lee's dissertation, *The Covenantal Sabbath*, in 1972.) In the 1830s, Sir Andrew Agnew, a one-issue member of Parliament, introduced a sabbatarian bill four times, and it was defeated each time. It is interesting that the bill exempted the labor of servants in households. The fourth commandment, he argued, gave masters complete religious and civil authority over their servants.[69] This was in defiance of the reason given in Deuteronomy for the sabbath law: The Israelites had been exploited as servants in Egypt (Deut. 5:15). Wigley commented: "The Sabbatarians' distinction between 'private' and 'public' behaviour enabled them to avoid a fundamental challenge to the rights of property. They defended the right of the private property owner to use his servants, his horses and his grounds without any interference; but claimed the right to regulate that which was corporately or nationally owned, such as railways and the Post Office."[70] This represents a continuing compromise, or at least confusion, among sabbatarians. Is the civil government the enforcer inside the family? If not, then the sabbath principle is not primary but secondary to the rights of private property, at least in this one area. But if the state can impose no sanctions here, why is it allowed to in "public" property, meaning private property outside the household?

By the 1840s, the 1677 law was close to a dead letter. Fines were small, the authorities preferred not to enforce it, and prosecutions brought by individual citizens did not often lead to convictions.[71]

67. *Ibid.*, p. 27.
68. *Ibid.*, p. 30.
69. *Ibid.*, p. 38.
70. *Ibid.*, p. 46.
71. *Ibid.*, p. 53.

3. Urban, Industrial Society

The 1830s and 1840s were years of rapid development of railroads. The sabbatarians organized politically to keep trains from running on Sundays. Some rail companies tried to honor their wishes. The Liverpool & Manchester restricted Sunday operations and actually inaugurated a scheme whereby sabbatarian shareholders could donate to charity that portion of corporate profits that were generated by Sunday traffic. The North Eastern adopted a similar practice. Most companies restricted traffic during worship hours. Demand was small, so this was reasonable. All refused total closure, however.[72] This did not satisfy the sabbatarians.

The Post Office Act of 1838 enabled the Postmaster General to compel trains to operate a Sunday mail train, and firms added passenger cars in order to gain some revenues. In 1846, the final attempt to prohibit Sunday rail traffic was introduced into Parliament. It failed.[73]

The Post Office in 1847 announced its intention to send mail through London on Sundays. The Lord's Day Observance Society began a campaign to reverse this decision, and also to cease Sunday collecting and delivering of the mail. Eventually, Sunday mail delivery ceased, as a result of trade union pressures, long after the sabbatarians had ceased to be a political factor, but the movement of the mail went on. Some Post Office employees, then as now, had to work on Sundays.

Two other sabbatarian societies were formed in this period: the Evangelical Alliance and the Wesleyan Methodists. John Henderson, a Glasgow merchant, began a national essay contest on the benefits of sabbath observance. Other groups followed his lead, and a tradition of annual prizes was begun. Wigley says that these contests and the publication of the essays transformed the controversy. What had been primarily a debate over religion became a debate over practical benefits of the sabbath. The essays did not ask for legislative action; they advocated total abstention from Sunday amusements.[74] These essays were generally non-theological in nature; they were practical. Understandably, the LDOS took no part in promoting them.

In 1851, the Great Exhibition opened. This monumental exhibition of the wonders of mid-century technology transformed the thinking

72. *Ibid.*, p. 54.
73. *Ibid.*, p. 57.
74. *Ibid.*, p. 65.

of a generation. In 1852, a private company took it over as a business venture, and the firm announced its intention to open it on Sunday afternoons. This created a huge wave of protest. Tracts aimed at every sector of society poured off the presses, with different arguments for each class. The government inserted into the firm's charter the language of the 1780 Act, that no money payment could be collected. This was a victory for the sabbatarians.

There was a loophole in the 1780 Act that was exploited in the late 1860s. The Act exempted religious organizations from restrictions on taking in money. One anti-sabbatarian, Baxter Langley, organized his followers into a "free unsectarian church," registered it under the Toleration Act of 1688, and began selling reserved seats to Sunday evening lectures. The government could not prosecute the group successfully.[75]

In 1855, working men protested a Sunday trading bill that would have permitted open shops. A crowd of 150,000 turned out on Sunday, June 24, to protest the support that Chartist radicals were giving to the bill. The shops remained closed.

The next crisis was provoked by a radical M.P., Sir Joshua Walmsley, who in 1855 and 1856 introduced legislation to allow the British Museum to open on Sundays. It was supposed to be an alternative to Sunday drinking. Sabbatarians were outraged. The bills did not pass. Then Sir Benjamin Hall, Commissioner of Works, began promoting military band concerts in the parks. The sabbatarians were again outraged. This was national desecration. Prime Minister Palmerston later stopped the concerts.[76] So the theoretical question I have raised concerning music in the park is not hypothetical; it became a serious political issue.

4. The Middle Classes

Wigley argued that the appeal of sabbatarian ideals to middle class people gave it great strength. A new appeal, based on practical benefits rather than an appeal to the Bible, became increasingly prominent within sabbatarian circles. He called this social sabbatarianism. "Social Sabbatarianism was of enormous importance. It moulded and enlivened the controversy for almost fifty years. It allowed the Sabbatarians to avoid authoritarianism and to champion the working classes. It allowed Nonconformists to assuage their consciences and

75. *Ibid.*, p. 125.
76. *Ibid.*, p. 70.

to defend the civil observance of the Sabbath. It allowed M.P.'s to reconcile their laissez-faire principles with their religious values, for no legislation was called for, merely the defense of the status quo."[77] But it was a departure from the earlier sabbatarianism, and on many occasions, defenders of a religious sabbath refused to join with social sabbatarians in "the great cause." As the pragmatic arguments weakened, especially as the century wore on and more leisure time was made available to workers, the religious sabbatarians recognized the epistemological weakness of social sabbatarianism. "Six days shalt thou labor" became five and a half, and in the twentieth century, five; Sunday amusements also appeared to be beneficial, so the pragmatic arguments no longer carried as much weight. But the religious sabbatarians had been pre-empted by 1900, and few people listened to them any longer.

The leisure of the high-capital late nineteenth century was not characteristic of the low-capital era of the late eighteenth. There is no doubt that the industrial revolution increased the number of working days in the late eighteenth century. For example, the Bank of England (the private central bank) steadily reduced the number of holidays from 46 in 1761 to 4 in 1836.[78] The 12-hour, 6-day industrial workweek became the norm as the industrial revolution gathered strength. Sabbatarians could appeal to overwork as one reason for a legislated sabbath. But they steadfastly refused to promote a law that would prohibit masters from working servants on Sundays. The theological justification: acts of mercy and necessity.[79] This was an exemption for rural lords at the competitive expense of the industrial managers.

Wigley presented the interesting case of W. H. Smith, the Christian founder of the giant book store chain. Smith invoked the "acts of necessity and mercy" exemption when he decided to publish the names of the dead and wounded during the Crimean War in 1855. On the other hand, he refrained from walking outdoors on a visit to Canada, to avoid giving the impression of being a sightseer. On the other hand, he complained when his Sunday evening bath was late, blaming the assertive attitudes of Canadian hotel workers.[80] Convenience, predictably, triumphed over theology.

What about the Sunday operation of profit-seeking public utilities?

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77. *Ibid.*, p. 72.
78. *Ibid.*, p. 74
79. *Ibid.*, p. 78.
80. *Ibid.*, p. 78.

This is not a hypothetical example. In the 1840s, some private water companies had left parts of London without water on Sundays.[81]

In the 1870s, numerous secular organizations formed lecture societies. Libraries began to remain open on Sundays. So did free art galleries.[82] The sabbatarians opposed all such violations. In 1884, Herbert Spencer, the evolutionist and defender of pure laissez-faire, remarked that a dispute over the opening of a reading room on Sunday could split a mechanics' institute.[83]

By the late 1880s, sabbatarians had generally lost public support. In 1896, the government finally voted to allow the opening of the British museums and national galleries on Sundays.[84] There was no opposition from the churches or the denominational newspapers. The twentieth century, especially after World War I, saw the end of most relics of the 1677 and 1780 laws.

Wigley's summary is remarkably similar to my own discussion of the economic questions raised by the sabbath in an industrial civilization, especially with respect to the differing rhythms of the work-week, urban vs. rural. "Sabbatarianism was an inappropriate way to provide rest, for it applied a simple, essentially pre-industrial, religious prescription to a complex, essentially urban, social problem. Sabbatarians avoided the difficulties which a complete cessation of labour would have produced for themselves by requiring servants to work and applying the formula 'acts of necessity and mercy,' but failed to appreciate that society at large similarly needed the work of some railwaymen, shopkeepers and the like, whose work rhythm ran counter to that of the rest of the community. Sabbatarianism thus justified some Sunday work, but regarded the unjustified as sin for condemnation, rather than as a problem suitable for social reform."[85]

5. Self-imposed Irrelevance

It is also revealing that the LDOS refused in 1855 to enter into the political question of the half-Saturday movement, which would have required employers to provide the afternoon off. It merely established a committee to look into the subject, and it was not required to report back. One Presbyterian minister argued that anything less than six full days of work was generosity on the part of employers

81. *Ibid.*, p. 82.
82. *Ibid.*, p. 131.
83. *Ibid.*, p. 1.
84. *Ibid.*, p. 147.
85. *Ibid.*, p. 79.

that went beyond God's justice.[86] So, the sabbatarian commitment to one day off seemed to imply no rest for the other six days. When, then, would men receive time for recreation, which was banned on Sunday? The sabbatarians have never faced this issue. *Their concern as sabbatarians is not with rest, and their concern as neo-Puritans is with work.*

Frederick Peake, the LDOS' secretary, made the society's position clear in a statement in 1895, one that summarized three centuries of sabbatarianism. *The issue is not rest. The issue is enforced religious behavior.* "Anything [on Sundays] that is not distinctly religious is wrong.... We should hardly make it purely a question of 'rest.' We...seek the religious observance of the Lord's day as the primary thing, and the question of human rest...as a secondary matter arising out of that."[87]

The Sunday school movement had been developed in the late eighteenth century in order to provide religious education for the children of the poor. But some sabbatarians objected when Sunday schools began teaching newly literate children to write, "arguing that it was not necessary to be able to write to understand the Bible, and writing was thus a secular employment, unfit for the Lord's day."[88] The controversy gathered force in the early years of the nineteenth century. The Wesleyan Methodist Conference passed such an anti-writing measure in 1808. This controversy divided sabbatarians. In the 1840s, the sabbatarians had succeeded in most independent congregations in stamping out the practice.[89]

The LDOS became progressively more consistent and progressively out of touch with reality. It criticized Charles Spurgeon for allowing his sermons to be telegraphed to Cincinnati on Sunday mornings. It criticized book sales in church. (At least it did not have to deal with the issue of book deliveries on Sunday with payment coming on a work day; churches were not likely to extend credit in this era.) In 1892, the *Quarterly Paper* of the LDOS said that Salvation Army bands "have done untold harm."[90] The LDOS thereby forfeited the support of Nonconformist leaders. It also opposed the use of automatic vending machines in the 1880s, despite the fact that no labor was involved.[91] In short, the issue was not rest; the issue was the marathon sabbath—*self-denial for God, not external convenience and*

86. *Ibid.*, p. 80.
87. *Ibid.*, p. 153.
88. *Ibid.*, p. 81.
89. *Ibid.*, p. 82.
90. *Ibid.*, p. 141.
91. *Ibid.*, p. 153.

rest. As the Society announced in response to a 1909 attempt to pass a pro-sabbatarian law that had been drafted by the National Hygenic League, "This determination to settle the whole matter on the basis not of Divine Law but of personal convenience, with a flavouring of humanitarian sentimentality . . . a most threatening danger."[92]

What the LDOS and strict sabbatarians had accomplished in over a half century of non-cooperation with other "less rigorous" brethren and allies was to demonstrate the political irrelevance of their position. They had taken the "moral high ground"—so high that they were in the heavens and of little earthly use to the cause of restful Sundays. They had adopted the marathon sabbath position of certain segments the non-industrial seventeenth-century English Puritans, and had suffered the consequences.

Conclusion

Several questions should be raised. Did the failure of the Lord's Day Observance Society come as a result of its political intransigence? If so, was this intransigence biblically valid? Were its leaders correct in refusing to compromise with anything that was not "pure marathon sabbath"? Was the LDOS doomed at the end because of an increasingly secular society? Or was it doomed from the beginning because the "marathon sabbath" is neither biblical nor suitable in an urban civilization?

There really were public debates over the timing of the sabbath, the locus of sovereignty of enforcement (Milton's locus: conscience), travel on Sunday, feast day vs. fast day, "seven-day-per-week" technologies, railways, public utilities, defining "mercy and necessity," servants' labor on Sundays ("mercy and necessity" . . . for the masters), mail delivery and shipping, newspapers, museums, bakeries, and the appropriateness of cooking on Sunday. There were debates, but there were no definitive answers. *Eventually, people grew tired of debates that could not be resolved, and the honoring of the sabbath became a matter of conscience*. Milton's suggestion became a social reality.

The summary provided by Wigley is accurate, but it indicates the extent to which sabbatarianism brought Christians little credit in English history, even though a day of rest was universally acknowledged at least in principle to be a blessing. The marathon sabbath did not survive, and it is understandable why it didn't.

92. *Ibid*., p. 165.

In the depression-stricken countryside of the 1880s no harvest work was done on Sundays, but the migrant Irish labourers were thought to be heathens because they sang and danced after returning from Mass. Protestant English farmers' children were taught to "remember that thou keep holy the Sabbath day." Of course the manservant and the maid-servant had to milk the cows, that was necessary work [but]' . . . Nobody ever read a newspaper or whistled a tune except hymns . . . on Sundays.' [Allison Uttley, The Country Child (Penguin ed., 1970), pp. 222, 206.] No wonder the Sabbatarians quoted the Fourth Commandment as given in Exodus and ignored the version in Deuteronomy (5:14) 'that thy man servant and thy maid servant may rest as well as thou.'

The most characteristic feature of Sabbatarianism and of the Victorian Sunday which it produced was the attempt to proscribe Sunday amusement and recreation, and over the course of the century this had had different effects on each class. By encouraging church and Sunday school attendance, and drawing a picture of domestic comfort, the Sabbatarians had given the lower classes a standard at which to aim. But by doing so they had undermined the festal Sunday tradition in accordance with which the lower classes already cleaned and dressed themselves on Sundays. They wanted a day of abstention, whereas the workers kept a holiday, a feast not a fast.

The abstemious Sunday was better suited to those who spent their week in easy circumstances than to those who labored for their bread. The Sabbatarian standard and the Victorian Sunday were essentially middle class phenomena. They produced a day which had a funeral character, notorious for its symbols—the hushed voice, the half-drawn blind and the best clothes. When adopted by the lower classes these symbols produced the respectable poor. Neville Cardus, the (Manchester) Guardian's cricket correspondent, remembered William Attewell, in 1912 a cricket professional at Shrewsbury School: 'Each Sabbath, after our mid-day meal, he put on a hard stiff collar. I recollect his struggles with it. "Cuss it," he would protest, "but ah mun do it; it's the Lord's day."'[93]

Conclusion

Questions concerning the proper form of Lord's day observance, not to mention the proper role of the institutional church and civil government in enforcing Lord's day observance, are extremely complex. This is one reason why Paul assigned to the individual conscience the task of sorting out these problems. They are too complex and too disputed for the institutions of government to apply sanctions. This was not the case in rural Israel, when the sabbath was primarily negative—refraining from normal, profit-seeking labor one day

93. *Ibid.*, p. 185.

per week—and the civil government's role was also negative, namely, prohibiting commercial trade and restricting most of a family's daily routine. When the Lord's day became both a day of rest and a day of corporate worship, its emphasis changed, and the state's role in protecting the Lord's day was radically altered. When the sabbath day, or the Lord's day, became a day that emphasizes positive worship, the state ceased being a legitimate agency of enforcement.

The Lord's day is essentially a day in which *the normal routine of work is broken*—a ritual testimony of a man's reliance upon God's grace rather than his own labor. It is a day of inactivity one day in seven with respect to one's source of income and to one's area of daily responsibility for labor. It is an admission that man is not sovereign, that man rests on God's creative work, that man cannot bring his work to completion apart from God, that man's efforts are limited, and that autonomous man cannot, even with a seven-day workweek, expect to prosper. It is a symbolic announcement that man must rest in the grace of God, and that he can rest one day per week in confidence that God honors His covenant with His people. It takes faith to honor the Lord's day— faith in the terms of the covenant, and faith in the ability of God to fulfill His part of the compact.

The Lord's day of rest-worship forces men to schedule their lives more efficiently, to take time for rest. It forces them to order their workweek carefully, buying in advance, storing up goods in preparation for the Lord's day. It forces wives to get their homes cleaned be fore the day of rest. It forces people, in short, to establish budgets, rather like the budgets necessitated by the requirement of the tithe. In this case, however, what is budgeted primarily is time, not money. A family's week is to have a God-honoring one-six rhythm.

The break from the normal work routine was required of the priests of Israel, but other responsibilities forced the priesthood as a whole to maintain seven-day operations. What was required of individual priests was not required of the priesthood as a whole. The corporate body of priests had to offer sacrifices daily; each individual priest could reschedule his workweek to permit him to rest on another day, if it was his day to offer sacrifices on the sabbath. God distinguishes between organizations and the individuals who make up the organizations. A six-day workweek was required of individual priests and their families, but not the priesthood as a unit.

Modern Christians are priests. They are sometimes assigned tasks on the Lord's day that are vital to the economic survival of the firm.

The decision as to whether the seven-day workweek is really crucial to the economic survival of the firm is made in terms of several criteria: the decision of the owners; the decisions of employees and potential employees whether they are violating their consciences in working on the Lord's day; and the decisions of customers who decide whether they are violating the sabbath principle in spending their money on the products or services of the Lord's day–profaning company. We are not told how the priests of the Old Testament worked out the mid-week day of rest for those who had to offer sacrifices on the sabbath. We are not told exactly how the sorting out of the Lord's day issue would be done in modern, industrial, post-resurrection societies. Some men regard all days the same. Others regard one or more days as special. Each man should be convinced in his own mind (Rom. 14:5).

What we must understand is this: Paul assigned to the individual human conscience the task of making the decisions concerning rest, leisure, and employment on the Lord's day. This does not mean that all days are the same during the week. Man's conscience must make the decision for man, but this does not mean that God's revelation is not clear regarding the special nature of the Lord's day. It does not mean that the one-six pattern is invalid in New Testament times. It means only that from an institutional standpoint, *Paul removed the civil government and the church courts from the position of decision- makers*. With respect to the day of rest-worship, the external sanction of the Old Testament economy, the death penalty, has been abolished. It has been abolished along with the duty of the civil government to impose sanctions on individuals or firms that choose to work on the Lord's day.

The fact that individual conscience is assigned the task of decoding the limits of the Lord's day activities has not subjectivised the reality of the sabbath principle of rest-worship. *The sabbath principle of rest-worship is still intact*. But God has determined that the complexity of Lord's day observance is too great for the church or state to enforce. The requirement of honoring one day in seven is still with us, but not all people see this, and hardly any group agrees concerning the exact ways in which any profit-seeking firm or individual must honor the sabbath principle. *God will be the final judge, not the earthly institutions of government*. There are objective standards, but they must be interpreted subjectively, person by person, in the New Testament era. We have been given specific revelation to this effect with respect to the sabbath, and we must honor this revelation.

It solves few if any concrete sabbatarian problems to read into Leviticus 23:3 an Old Testament sabbath version of the New Testament's requirement of positive worship on the Lord's day. The testimony of the Old Testament is clear: Seventhday was generally (and possibly even exclusively) a day of rest except for a few priests in the temple. It is equally futile to read into Exodus 35:3 a highly symbolic and hypothetical interpretation concerning "strange fire." *Clear texts should be used to interpret obscure texts.* Even more to the point, *clear texts should not be turned into obscure texts.* Exodus 35:2 is clear: death for working on the sabbath. Exodus 35:3 is also clear: no kindling of fires. An apologetic for a hypothetical "less rigorously enforced Old Testament sabbath" that is then said to be in continuity with a church government–enforced and state government–enforced New Testament Lord's day—an apologetic based on "strange fire"—is clear to practically nobody, which is why we find no similar line of argumentation in the historic creeds. It also fails to explain the sharp discontinuity that was announced by Paul in Romans 14:5 and Colossians 3:16.

In short, if Paul's words are not taken at face value, a whole series of problems arises. Few churches have been willing to face these problems squarely over the last two hundred years, and none has been willing so far to deal forthrightly with the question of the death penalty in Exodus 35:2. There is no way, biblically speaking, to escape the necessity of imposing the death penalty on persistent sabbath violators, unless we interpret Romans 14 as having changed the locus of enforcement from the civil government to the individual conscience. If Paul was not speaking about the Old Testament sabbath in that passage, then Exodus 31:15 and 35:2 are still morally and legally binding, and Christians must forthrightly call for the civil government to abide by God's sabbatical standards, and to begin executing sabbath breakers.

APPENDIX F

TIMING THE LORD'S DAY

F. N. Lee's book is a comprehensive treatment of the sabbath question. It raises many interesting points. One of them relates to the timing of the sabbath. Three distinct positions have been maintained by Christians historically: the sundown-to-sundown sabbath, the midnight-to-midnight sabbath, which Lee holds,[1] and the sunrise-to-sunrise (approximately) sabbath, which I hold. The inability of commentators to agree on this point obviously poses difficulties for those who might recommend nationwide or civil sanctions against sabbath violators.

The Hebrews celebrated the sabbath of the day of atonement from evening to evening (Lev. 23:32), and we presume that the other sabbaths were similarly celebrated. The sabbath in Jesus' day was begun at sundown (Mark 15:42). The Jews wanted the bodies of the dead to be removed before the evening (John 19:31). Nevertheless, we need not assume that Old Testament practices regarding the sabbath are still binding on the New Testament church, since the change of the day represents a fundamental break with the past. Christian scholars have not generally believed that the New Testament day of rest begins at sundown on Saturday evening, although some, including certain Puritan groups, have argued that it does.

The case for the sundown-to-sundown sabbath is based primarily on Old Testament law.[2] The case for the midnight-to-midnight sabbath is more problematical, resting on the idea of midnight being the midpoint between evening and morning. Jesus rose before the sun did, since the women came at the dawn to Jesus' tomb (Matt. 28:1;

1. F. N. Lee, *The Covenantal Sabbath* (London: Lord's Day Observance Society, 1972), p. x.

Luke 24:2), and the tomb was already empty. Finally, the firstborn of Egypt were slain at midnight (Ex. 12:29). Deliverance, in other words, was based on an event that took place at midnight.[3]

A. Promise and Deliverance

The modern world has cheap clocks. This is one of the main facts of modernity. The mechanical clock changed the West.[4] In Moses' world, there was sunrise and sunset, assuming that the sky was not cloudy. Any other marker would have been monopoly information of priests. But the farther away from the equator a society is, the more unequal in length days and nights as the seasons approach the two solstices. This makes a sunset or sunrise marker inefficient.

I think the sabbath should be marked by a clock, as Lee does, but I prefer sunrise over midnight as the marker. For one thing, until the advent of home-based clocks with alarm devices, midnight would have had to be announced by the clanging of bells, presumably church bells, at midnight Sunday morning. Kings and nobles would have made that practice highly unlikely. So, instead of sunset-to-sunset as general markers to be used to guide our clock-run society, I suggest a sunrise-to-sunrise New Testament Lord's day. This is based on the theme of promise and deliverance.

The Hebrews were required to begin their celebration of the Passover at sundown. The Passover lamb was slain in the evening (Ex. 12:6), and nothing was to remain by the next morning (12:10). The Passover feast looked in faith to the coming deliverance. The promise of God was sure. The Israelites began the feast in the evening; they had been told that by the next morning, they would be delivered. The basis of deliverance, the death of Egypt's firstborn, came at midnight, but no one could have known this at the time; they had no clocks. The actual deliverance came later, for Pharaoh then called Moses and Aaron by night and ordered the Israelites out of the land. They had to return to the people and convey Pharaoh's message. Then, hastily, the people gathered together their belongings, taking their unleavened (ready for cooking) bread. They had no time for preparing food (12:39). This points to an early morning deliverance.

Long before the exodus, Jacob had wrestled with the theophany of God through the night, fighting for His blessing. They wrestled "un-

3. *Ibid.*, p. 74.

4. David Landes, *Revolution in Time: Clocks and the Making of the Modern World* (Cambridge, Massachusetts: Harvard University Press, 1983).

til the breaking of the day" (Gen. 32:24). Jacob received the blessing, the thigh wound, and his new name, Israel, at daybreak (32:25–28). Thus, Israel's deliverance (the Day of the Lord) came as the sun rose. But the struggle had begun at night (32:22–24).

God's righteousness is equated with the sun in several instances. Perhaps the most forthright is Malachi 4:2: "But unto you that fear my name shall the Sun of righteousness arise with healing in his wings; and ye shall go forth, and grow up as calves of the stall." Again, "He shall be as the light of the morning, when the sun riseth, even a morning without clouds; as the tender grass springeth out of the earth by clear shining after the rain" (II Sam. 23:4). "Arise, shine; for thy light is come, and the glory of the LORD is risen upon thee. For, behold, the darkness shall cover the earth, and gross darkness the people: but the LORD shall arise upon thee, and his glory shall be seen upon thee. And the Gentiles shall come to thy light, and the kings to the brightness of thy rising" (Isa. 60:1–3). "Then shall we know, if we follow on to know the LORD: his going forth is prepared as the morning…" (Hos. 6:3a). The righteousness of the faithful is also compared to morning: "The course of the righteous is like the morning light, growing brighter till it is broad day" (Prov. 4:18; NEB; cf. Jud. 5:31). Israel is to be delivered at the rising of the sun, the coming of light when there previously had been gross darkness.

The theme that Israel is delivered with the rising of the sun on the seventh day corresponds with the idea that Adam rebelled on the morning of the seventh day, and that man needs grace early in the morning. The New Testament reveals a similar message. The women came to the tomb at dawn, not at sundown the evening before, when the third day began officially, according to later Hebrew law. Furthermore, the day of Pentecost came seven weeks later, according to Mosaic law (Lev. 23:16). The disciples were meeting together, and the Holy Spirit came upon them (Acts 2:1–5). Speaking in many foreign languages, they communicated the gospel to a multitude (2:6), each in his own language (2:8). Critics charged that they were drunk with "new wine" (2:13). Peter's response is significant: "For these are not drunken, as ye suppose, seeing it is but the third hour of the day" (2:15). In other words, it was about three hours after the dawn. Peter was saying that these men had not had time to get drunk. People were not gathering to hear the gospel three hours after sundown, for then Peter's words would have been meaningless. Obviously, an evening of drinking might have preceded a nighttime outpouring of the Spirit.

If we assume that dawn was around six o'clock in the morning, then "the third hour of the day" would have been about nine A.M. This corresponds to the Roman sun dial, which marked noon as the sixth hour.[5] The sundial was an appropriate tool during sunlight hours. It was not appropriate in the winter at six a.m.

B. The Communion Meal

There are other pieces of data that point to a sunrise-to-sunrise Lord's day. Jesus met with His disciples on the evening of His resurrection (John 20:19), eating with them (Luke 24:41–43). This communion meal took place after the sun had gone down. He had already eaten with two disciples at Emmaus, approximately seven miles from Jerusalem (Luke 24:13: Berkeley Version), and this meal took place as the sun was setting (Luke 24:29–30). These two disciples then walked from Emmaus to Jerusalem in order to meet with the other disciples. Then Jesus appeared to the whole group (Luke 24:33–34). Yet this meeting is described as having taken place "the same day at evening, being the first day of the week" (John 20:19a). John was not using the Hebrew day, sundown to sundown, as his measure of the first day.

Paul's lecture to the church at Troas took place on the Lord's day. "And upon the first day of the week, when the disciples came together to break bread, Paul preached unto them, ready to depart on the morrow; and continued his speech until midnight" (Acts 20:7). He departed at the "break of day" (20:11b).

The evening meeting was a communion feast, as was the first evening of Christ's resurrection. After the day was spent, men gathered together to partake of the Lord's supper. We know also that Paul criticized the Corinthian church for its drunkenness at the Lord's table. "For in eating every one taketh before other his own supper: and one is hungry, and another is drunken" (I Cor. 11:21). They had not been drinking early in the morning, any more than the disciples on the day of Pentecost had been drinking in the morning. The Corinthian church members had been drinking too much in the evening, prior to the communion meal.

We celebrate communion on the Lord's day. We know that the early church celebrated communion in the evening. There is no evidence that the early church met for communion the night before the Lord's day, i.e., on "Saturday" evening. The first communion feasts

5. Leon Morris, *The Gospel According to John* (Grand Rapids, Michigan: Eerdmans, 1971), p. 158n.

took place on the evening of the Lord's resurrection, at Emmaus and Jerusalem, and in the latter case, the sun must have gone down before the meal. They did not take communion with Christ the day after His resurrection. Communion is taken on the Lord's day. Hence, we should count the New Testament day of rest from sunrise to sunrise ("Sunday" morning to "Monday" morning).

Modern churches have not been rigid in this regard. Few of them ever discuss the matter. Among more sabbatarian denominations, the timing of the beginning of the sabbath is left to the discretion of individual members. Nine o'clock, the hour that the Holy Spirit fell upon the church at Pentecost, is about as early as most churches require attendance.

The Passover celebrated by Jesus and His disciples looked forward to deliverance, just as the Passover meal in Egypt looked forward to deliverance. The communion feast of the church looks back, knowing that deliverance has come, and it dates the Lord's day with the risen sun. The communion feast is the capstone of a day of rest. As such, it then looks forward ritually to a week of work beginning the following day, the continuation of men's efforts to fulfill the terms of God's dominion covenant. *Passover points to dominion*. Christ announced at the Passover, "I appoint unto you a kingdom, as my Father hath appointed unto me; That ye may eat and drink at my table in my kingdom, and sit on thrones judging the twelve tribes of Israel" (Luke 22:29–30).[6]

Conclusion

We no longer look forward to deliverance from bondage; we look forward to dominion. Dominion begins with our labor on the day following the Lord's day of rest, just as it was supposed to begin for Adam. The communion meal, like the Passover meal, is to be celebrated in the evening. Also like the Passover meal, it looks forward to the next morning. But the victory is behind us. Deliverance came definitively at Calvary. We are strengthened in our faith the night before we are to go forth to exercise dominion, just as the Hebrews were strengthened in body by their Passover meal the night before God delivered them from bondage.

6. Gary North, *Treasure and Dominion: An Economic Commentary on Luke*, 2nd ed. (Dallas, Georgia: Point Five Press, [2000] 2012), ch. 51.

APPENDIX G

MACAULAY ON DEMOCRACY

Lord Macaulay, the English historian-statesman of the mid-nineteenth century, was a defender of the classical liberal society, meaning a society marked by constitutionally limited civil government and by private property. In 1857, he wrote a letter to an American, H. S. Randall, in which he discussed his doubts about pure democracy in general and Jeffersonian democracy in particular. He made a number of predictions concerning the fate of private property under a rule of universal suffrage. Some of these predictions have come true in the United States. They did so during the New Deal of the 1930s. Other remarks seem more appropriate in describing his beloved England, especially since the 1930s.

The fundamental political issue, he argued, is the question of *self-restraint*, or as I have put it elsewhere in this book, *self-government*. He despaired at the ability of the poorer members of society to refrain from using their numerical superiority at the ballot box to extort the property of richer men. His arguments, taken individually, are familiar to anyone who has studied the interminable debate over democracy, taxation, and the franchise. What is remarkable was his ability to articulate them in one place, and then apply them to his own era.

He was convinced that those people without wealth will not restrain themselves in the pursuit of other people's money if they ever got the franchise. The problem with this argument is this: Self-restraint regarding other people's money is not a quality limited to those who already possess money. If anything, the addiction grows, which is why Christ warned against Mammon as the chief rival of God (Matt. 6:24–25). Mammon is the great, insatiable god of *more*. The prophets of Israel noted repeatedly that the leaders of the nation

were economically corrupt—surely as corrupt any modern special-interest group. When it comes to the politics of plunder, every interest group fears the vote-getting abilities of its rivals, and deservedly so.

Because of the difficulty in obtaining copies of the book in which his letter appeared, I reproduce it in full, except for a brief introductory paragraph, in which Macaulay thanked Randall for his gift of some books on the history of colonial New York State, and a concluding paragraph on Thomas Jefferson. The doubts raised by Macaulay are with us still, and will continue to be problems for stable political orders for as long as: (1) all men can vote; (2) some men have little property; (3) the Christian teachings against envy, covetousness, and theft are not universally honored. (I have taken the liberty of breaking this letter into paragraphs; the original constitutes the longest sustained paragraph I have ever come across.)

> You are surprised to learn that I have not a high opinion of Mr. Jefferson, and I am surprised at your surprise. I am certain that I never wrote a line, and that I never, in Parliament, in conversation, or even on the hustings—a place where it is the fashion to court the populace—uttered a word indicating an opinion that the supreme authority in a state ought to be entrusted to the majority of citizens by the head; in other words, to the poorest and most ignorant part of society. I have long been convinced that institutions purely democratic must, sooner or later, destroy liberty or civilization, or both.
>
> In Europe, where the population is dense, the effect of such institutions would be almost instantaneous. What happened lately in France is an example. In 1848 a pure democracy was established there. During a short time there was reason to expect a general spoilation, a national bankruptcy, a new partition of the soil, a maximum of prices, a ruinous load of taxation laid on the rich for the purpose of supporting the poor in idleness. Such a system would, in twenty years, have made France as poor and barbarous as the France of the Carolingians. Happily, the danger was averted; and now there is a despotism, a silent tribune [Emperor Louis Napoleon Bonaparte, supposedly the nephew of the more famous Bonaparte—G.N.], an enslaved press. Liberty is gone, but civilization has been saved. I have not the smallest doubt that if we had a purely democratic government here the effect would be the same. Either the poor would plunder the rich, and civilization would perish; or order and prosperity would be saved by a strong military government, and liberty would perish.
>
> You may think that your country enjoys an exemption from these evils. I will frankly own to you that I am of a very different opinion. Your fate I believe to be certain, though it is deferred by a physical cause. As long as you have a boundless extent of fertile and unoccupied land, your laboring population will be far more at ease than the laboring population of the Old

World, and, while that is the case, the Jefferson politics may continue to exist without causing any fatal calamity. But the time will come when New England will be as thickly populated as old England. Wages will be as low, and will fluctuate as much with you as with us. You will have your Manchesters and Birminghams, and in those Manchesters and Birminghams hundreds of thousands of artisans will assuredly be out of work. Then your institutions will be fairly brought to the test. Distress everywhere makes the laborer mutinous and discontented, and inclines him to listen with eagerness to agitators who tell him that it is a monstrous iniquity that one man should have a million, while another can not get a full meal.

In bad years there is plenty of grumbling here, and sometimes a little rioting. But it matters little. For here the sufferers are not the rulers. The supreme power is in the hands of a class, numerous indeed, but select; of an educated class; of a class which is, and knows itself to be, deeply interested in the security of property and the maintenance of order. Accordingly, the malcontents are firmly yet gently restrained. The bad time is got over with out robbing the wealthy to relieve the indigent. The springs of national prosperity soon begin to flow again; work is plentiful, wages rise, and all is tranquility and cheerfulness. I have seen England pass three or four times through such critical seasons as I have described. Through such seasons the United States will have to pass in the course of the next century, if not of this. How will you pass through them? I heartily wish you a good deliverance. But my reason and my wishes are at war, and I can not help foreboding the worst.

It is quite plain that your Government will never be able to restrain a distressed and discontented majority. For with you the majority is the Government, and has the rich, who are always a minority, always at its mercy. The day will come when in the State of New York a multitude of people, none of whom has had more than half a breakfast, or expects to have more than half a dinner, will choose a Legislature. Is it possible to doubt what sort of Legislature will be chosen? On one side is a statesman preaching patience, respect for vested rights, strict observance of public faith. On the other is a demagogue ranting about the tyranny of capitalists and usurers, and asking why any body should be permitted to drink Champagne and to ride in a carriage, while thousands of honest folks are in want of necessaries. Which of the two candidates is likely to be preferred by a working-man who hears his children cry for more bread?

I seriously apprehend that you will, in some such season of adversity as I have described, do things which will prevent prosperity from returning; that you will act like people who should in a year of scarcity devour all the seed-corn, and thus make the next a year not of scarcity but of famine. There will be, I fear, spoilation. The spoilation will increase the distress. The distress will produce fresh spoilation.

Your Constitution is all sail and no anchor. As I said before, when a society has entered on this downward progress, either civilization or

> liberty must perish. Either some Caesar or Napoleon will seize the reins of government with a strong hand, or your republic will be as fearfully plundered and laid waste by barbarians in the twentieth century as the Roman Empire was in the fifth; with this difference, that the Huns and Vandals who ravaged the Roman Empire came from without, and that your Huns and Vandals will have been engendered within your own country by your own institutions.[1]

This is an eloquent statement. It is easy enough to pick apart some of his specific arguments. For example, the territory of the United States remains predominantly either rural or wilderness, with a very thin population per square mile. The myth of "open spaces" as a factor in reducing class warfare in the United States is just that, a myth[2] (and certainly as far as God was concerned when He promised the Israelites even more population growth in an already "overpopulated" nation). Overpopulation theories always paint pictures of starving masses, but in the decade following Macaulay's letter and continuing into the last decade of the nineteenth century, population in the United States doubled, filling the Eastern seaboard with immigrants who did not speak English, and who had little or no formal education, yet economic output quadrupled in this same era, doubling per capita income and lowering prices by 60%.[3] The question of per capita wealth does not hinge primarily on population growth as such, just as the Hebrews were informed by God. Population growth is a blessing. The relevant factors are such things as the time-orientation of the society, its commitment to biblical law, and its rate of per capita investment. The important question is: What is a society's capital base, which includes above all men's education and ethics?

In this respect, Macaulay misjudged the political life of his own nation, for it was England that first capitulated to the politics of envy,

1. G. Otto Trevelyan (ed.), *The Life and Letters of Lord Macaulay* (New York: Harper & Brothers, 1875), II, pp. 408–10.

2. The American historian whose name is generally associated with this theory is Frederick Jackson Turner, a highly influential teacher at the University of Wisconsin and Harvard in the late nineteenth century, and a man who wrote almost nothing. See Ray Alien Billington (ed.), *Frontier and Section: Selected Essays of Frederick Jackson Turner* (Englewood Cliffs, New Jersey: Prentice-Hall, 1961). For critical evaluations, see Richard Hofstadter and Seymour Martin Lipset (eds.), *Turner and the Sociology of the Frontier* (New York: Basic Books, 1968).

3. Milton Friedman and Anna Jacobson Schwartz, *A Monetary History of the United States, 1867–1960* (Princeton University Press and the National Bureau of Economic Research, 1963), charts 3, 8 (pp. 30, 94–95). *Population data: Historical Statistics of the United States, Colonial Times to 1957* (Washington, D.C.: Bureau of Commerce, I960), p. 7, Series A 1–3.

of mass democracy, not the United States. When, on August 10, 1911, the House of Lords voted to abolish its veto power over the House of Commons, under threat of the creation of hundreds of new Liberal Party peerages by the King, the handwriting was on the wall. When, the next day, the Commons passed the Payment of Members Bill, the wall itself collapsed.[4] No longer would members be required to raise their own funds to serve as politicians. The era of the professional politician had arrived in England.

But Macaulay's warning about the ability of the statesman to withstand the rhetoric of the "tax and spend" demagogue was valid. The history of the twentieth century points to the grim reality of the impotence of any institutional arrangements or formal constitutional restraints, in and of themselves, to reverse the spread of the ideology of socialism. Compulsory wealth redistribution is almost universally accepted in nation after nation, irrespective of the political history of any given society. Furthermore, it has not always been the propertyless masses who have voted to impose socialistic policies; all too often the leadership has come from financially secure intellectuals.[5] Middle-class voters, simultaneously guilt-ridden and envious, have voted away their own economic futures unknowingly, always in the name of the poor, with the bills supposedly to be paid for by the rich.

So, Macaulay's concern about American institutional arrangements, as distinguished from British institutions, was misguided. Both the British and the American systems capitulated in principle about the same time, from 1900 to the First World War, and both societies experienced increasing collectivism in the 1930s, in the political responses to the Great Depression. After the Second World War ended in 1945, British socialists made far more gains politically than American economic interventionists did.

What Macaulay did not perceive was the rise of the middle class. The long-term effect of compound per capita economic growth has been to reduce the percentage of voters who regard themselves as poor. Middle-class voters own their own homes, even though the homes are mortgaged. These voters have a stake in society: property. By the standards of 1850, let alone 1650, the common man today is rich. He thinks of himself as a property owner. He resists additional taxation.

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4. Barbara Tuchman, *The Proud Tower: A Portrait of the World Before the War, 1890–1914* (New York: Macmillan, 1966), ch. 7: "The Transfer of Power."

5. Joseph A. Schumpeter, *Capitalism, Socialism, and Democracy* (New York: Harper & Bros., 1942), ch. 13.

Both nations began to retard the drift into statism, beginning within a two-year period: Margaret Thatcher in Britain (1979) and Ronald Reagan in the United States (1981). A majority of voters in both nations decided that they had suffered from more than enough from government regulation, bureaucracy, and high marginal tax rates. The welfare state was rolled back at its edges, but not where it counts most, fiscally speaking: the inter-generational redistribution of wealth. In the case of Great Britain, the state-funded National Health Service remains sacrosanct, as does the Medicare program for the elderly in the United States.

The substance of Macaulay's letter has been confirmed in several respects, and in no sense did the twentieth century prove him to be categorically incorrect. The drift toward the welfare state continues, despite intermittent political reversals. Only when the major state programs of inter-generational wealth-redistribution are repealed through the politically concealed bankruptcy of mass inflation or by outright default will this drift be reversed. The West faces this prospect well before the twenty-first century reaches the halfway point.

APPENDIX H

THE EPISTEMOLOGICAL PROBLEM OF SOCIAL COST

Costs and benefits cannot be compared across individuals, even when monetary sums are involved, because of the impossibility of interpersonal utility comparison. This insight is a straightforward application of the defining principle of the Austrian school: radical subjectivism.[1]

Since all costs and benefits are subjective, no government can accurately identify, much less establish, the optimum quantity of anything. But even the tort [private law suit over wrongs—G.N.] approach runs up against the immeasurability of costs and benefits: how are damages to be determined?[2]

Another problem is the lack of a method for calculating the effect of a decision or policy on the total happiness of the relevant population. Even within just the human population, there is no reliable technique for measuring a change in the level of satisfaction of one individual relative to a change in the level of satisfaction of another.[3]

Introduction

I wrote this appendix in 1989. It appeared in *Tools of Dominion: The Case Laws of Exodus* in 1990. I published a re-written version of it as a book in 1991: *The Coase Theorem*. In that year, Ronald H. Coase won the Nobel Prize in Economics. The next year, his disciple Gary Becker won it. I had devoted considerable space in this appendix and my book to Becker's application of Coase's theorem in the area of crime and crime-prevention.

1. John B. Egger, "Comment: Efficiency Is Not a Substitute for Ethics," in Mario J. Rizzo (ed.), *Time, Uncertainty, and Disequilibrium* (Lexington, Massachusetts: Lexington Books, 1979), p. 121. Italics not in original.
2. Charles W. Baird, "The Philosophy and Ideology of Pollution Regulation," *Cato Journal*, II (Spring 1982), p. 303. Italics not in original.
3. Richard A. Posner, *The Economics of Justice* (Cambridge, Massachusetts: Harvard University Press, 1983), p. 54. Italics not in original.

This is the longest chapter or appendix on a strictly economic topic in any of my volumes in *An Economic Commentary on the Bible*. I regard this chapter as my best single essay on economics. A short version of it was published in *The Journal of Libertarian Studies* in the fall of 2002.[4]

I have challenged the man who persuaded the entire 21-member faculty of the University of Chicago that he was right and they were wrong. He did this in one after-dinner meeting. They were all opposed to his idea on pollution and harm at the beginning of this meeting. At the end of the evening, they were all in favor. This is recorded in the autobiography of one of the participants, Nobel Prize-winner George Stigler.[5] In 1960, Coase published what is probably the single most influential academic article in the history of the economics profession, "The Problem of Social Cost," in which he defended his after-dinner theory. I am writing this updated version half a century after its publication. Coase is 100 years old. In late 2009, the law school of George Mason University honored Coase with a special conference.[6] In July, 2010, the law school of the University of Chicago followed suit. He was honored for two articles: "The Theory of the Firm" (1937) and "The Problem of Social Cost." No other modern economist is so widely honored who wrote so little.

In this appendix, I apply a fundamental discovery of secular economic theory, made in 1932 by Lionel Robbins, who was later made Lord Robbins: *there is no possibility of making interpersonal comparisons of subjective utility on a scientific basis*. This seemingly obvious yet obscure technical discovery undermines all claims of scientific policy-making based on economic theory. It especially undermines the Coase theorem. The unwillingness of economists to admit what they know that their theory of economics teaches constitutes *the single most blatant example of willful deception–including self-deception—and arrogance of the economics profession*. It relegates the entire profession into the category of *self-interested con artists*. They admit to self-interest. This is not merely an admission; it is their badge of epistemological honor. But they do not admit to being con artists.

4. Gary North, "Undermining Property Rights: Coase and Becker," *Journal of Libertarian Studies*, XVI (Fall 2002).

5. George Stigler, *Memoirs of an Unregulated Economist* (New York: Basic Books, 1988), p. 76.

6. "Markets, Firms and Property Rights: A Celebration of the Research of Ronald Coase" (December 4, 2009). A summary of the presentations was published on the website of the University of Chicago Law School: "A Celebration of the Mind and Work of Ronald Coase" (March 10, 2010)..

It is a well-known fact that people find it difficult to follow long chains of reasoning. So, let me present my conclusion up front, in a form that does not require a long chain of reasoning.

You cannot prove, scientifically, that your proposed use for my home is of greater value to society than my uses for my home. Even if you could, you would not thereby establish a legal claim to use my home, forcing me to pay you money in order to keep you out, nor could any judge legitimately authorize your claim.

Let me put it even more succinctly. “No Trespassing. Trespassers will be prosecuted.” Is this clear? Do you believe that the sign is morally legitimate? Yes? Very good. You are opposed to Coase’s theorem. You think: “Who wouldn’t be?” I answer: “At least 21 members of the economics faculty of the University of Chicago, now deceased, and most free market economists.”

The fundamental issue of the Coase theorem is this: *the owner’s moral right to exclude access*. Coase denied ownership’s moral relevance. He went on to deny its legal authority.

Without the right to exclude, there is no ownership. There is only the private defense of property rights through individual violence. “Trespassers will be shot.” Coase still does not understand this, Milton Friedman did not understand this, virtually the entire Chicago School faction of the economics profession does not understand this, and at least two law schools do not understand this. You are already way ahead of the experts. In this appendix, I show why you are ahead.

The central *theoretical* issue of Coase’s theorem—as distinguished from both the central ethical issue and the central legal issue—is the question of *economic value*. Coase persuaded the University of Chicago’s economics faculty, one by one, to switch their collective solution to this question: “How can we—society—maximize economic value when dealing with instances of pollution?” This is a heavily loaded question. To begin to answer it, we must understand what modern economists mean—and do not mean—by “economic value.” So, let us begin an exploration. This will take some time and effort. Stay with me.

A. Value and Price

Economists ask a crucial question: “What is the logical relationship between value and price?” For over two centuries, generations of economists have attempted to discover the answer, and it eludes them today as much as it did in the days of Adam Smith. The difference is,

today the lack of any internally consistent answer is covered by far more layers of logical dead ends that were (and are still) described as successful solutions to the problem.

Is value exclusively objective, also known as intrinsic? Or is value exclusively subjective, also known as imputed? The reason why I use the adjective *exclusively* is because humanistic economic theory has yet to show how value can be both subjective and objective. This dualism goes back to the same either/or exclusivity in Greek philosophy. The Greek philosophers asked: "Is an action morally good because of its intrinsic goodness or because either society or individuals say that it is good?" They never did answer this to each other's satisfaction. It is still a dividing issue in ethics. In medieval philosophy, this dualism was manifested in the battle over realism (intrinsic) and nominalism (imputed).

Let us begin the inquiry. Assume that you are interrogating a humanistic economist. You ask: If all economic value is objective, then why do prices keep changing? What is it that makes them change? The economist answers: *Supply and demand change*. You then ask: But why does supply change? He answers: *In response to changes in demand*. But why does demand change? *Because people change their minds*. Why? *Because prices change*. Why do prices change? *Changing supply and demand*.

Wait a minute. We are going in circles. We had better talk about demand apart from price. *Sorry; you are not allowed to talk about demand apart from price, or price apart from demand*. All right, let me ask this: If the people change their minds about economic value because of changes in demand, then isn't the price of everything really based on subjective value? *Yes, that is correct*. Personal subjective value? *Yes, that is correct*. But how is personal subjective value translated into objective value? *It isn't; there is no objective value*. Well, then, how is personal subjective value translated into objective prices? *Through competitive bidding*.

But how can we be sure that the outcome of the objective individual bids reflects the true value to society? *By denying that there is any true value to society apart from the outcome of the objective individual bids*. But what if society disagrees? *There is no such thing as society; there are only individuals*. But what if individuals vote to change the outcome? *That is their legal privilege in a democracy*. Are you saying that democracy is a valid way to achieve social goals? *I am an economist; I can only tell you the outcome of events, given certain causes*. Should democracies

vote to change the outcome of the bids? *I am an economist; there is no ultimate "should" for an economist.*

That reminds me: What is the value of economics? *Sorry; economics does not objectively exist; only economists exist.* What is an economist? *An economist is someone who does economics.* I see. Well, then, what is the value of an economist? *That must be determined subjectively.* All right, what is the price of an economist? *All the market will bear.* Are we paying economists too much? *The free market will decide that.* Do we have a free market in economists today? *I'd prefer not to say; I might get fired. I work for a state university. It is not in my self-interest to answer your question.*

In my view, the answer is clear: yes, we are paying economists too much. Is my view correct? That *is* the question.

In this essay, I intend to show that all of modern economics is a gigantic intellectual fraud, an illusion so successful that its practitioners are not aware of the fraud which they are perpetrating. I will show that the procedures that economists say they use are not the ones they actually use, that the presuppositions they say they have adopted are not actually the ones they have adopted, and that their ability to make economic judgments is in fact denied by their very methodology. All you have to do is read the entire essay, paying attention to my arguments as you read.

Am I overstating my case? *You cannot know for sure until you read it.* Is it worth the risk—the time, energy, and mental effort—to find out? *Only you can say.*

Therein lies the problem of modern economics.

B. To Read or Not to Read

What will it cost you to read this essay? You will never know for sure. This question is analogous to a far more important question in life, "What will it cost me to marry this person?" Both questions really mean: "What will I have to give up forever?" While the "foreverness" of the marriage decision is more obvious to us—"till death do us part" is a graphic covenant phrase—the "foreverness" of every decision is analogous, though not of the same order of magnitude.

When I choose *this* rather than *that*, I forever forfeit *that*, as well as all the little thats which might have been born later on. Perhaps I can change my mind later on, and buy *that*, but it will not be the same *that* which I choose not to buy today. It is a later *that*. Like a high school sweetheart whom you marry only after your first spouse dies, time has worked its changes on both of you. Everything that a person might

have accomplished with *that* during the period of "*this* rather than *that*" is gone forever.

We know this: in making any decision, we must forfeit many things that might have been but will never be—indeed, a whole lifetime of things that might have been—but we never know exactly what. Every decision, moment by moment, is to some extent the proverbial fork in the road. We cannot predict the next 20 moves and counter-moves in a chess game: moves that will become reality *in part* because of expectations regarding the next move. So, it is safe to say that we cannot know what life has in store for us just because we do one thing today rather than another.

If you read this essay, it is because you think it will be "worth your time." But what is your time worth? What is your time worth right now? It is worth whatever is the most valuable use to which you can put it. What is the cost of spending your time one way rather than another? The value of the most valuable use you must forego. So, what is your decision? "To read or not to read, that is the question!"

Decisions, decisions. Once our decision is made, we put the past irrevocably behind us. "The moving finger writes, and having written, moves on." We then face the consequences of our decision. But these consequences—these *costs*—are imposed on us *after* the decision, not before. They are costs, but they are not costs that affected the original action. *Expected* costs affected the original action, not the *actual* costs that we in fact subsequently experience. Is this unclear? Ask the person who married the "wrong" spouse to explain the difference between expected costs and resulting costs. James Buchanan distinguished between two kinds of costs: choice-*influencing* costs and choice-*influenced* costs.[7]

C. Unmeasurable Costs

Choice-influencing costs are inherently unmeasurable by any scientific standard. The economist insists that, like beauty in the eyes of the beholder, these economic costs exist only in the mind of the decision-maker. They are subjectively perceived, and *only* subjectively perceived. And yet, and yet... there really are beautiful women and ugly women, and just about everyone can discern the difference, including the respective women (*especially* the women). But how is

7. James Buchanan, *Cost and Choice: An Inquiry in Economic Theory* (Chicago: University of Chicago Press, 1969), pp. 44–45. Buchanan won the Nobel Prize in economics in 1986.

this possible? How can we deny the objective reality of beauty in the name of a "higher" subjective reality, when we know this: in order for our subjective appraisals to have meaning, there had better be an objective reality undergirding them? After all, two and two make four. Or do they? Does the objective answer depend on the subjective evaluator? The modern mathematician is not really sure.[8]

1. Buchanan's Argument

The costs that influence our decisions are always subjective evaluations of future potential consequences. This is Buchanan's argument. Once we act, however, objective reality takes over, replacing our mental forecasts with cold, hard facts. (And yet, and yet . . . in order to be perceived by us, these cold, hard facts must first be warmed in the microwave ovens of our minds.) Thus, concluded Buchanan: "Costs that are influential for behavior do not exist; they are never realized; they cannot be measured after the fact."[9] The dream becomes reality, but the reality is always different from the dream, at least to this extent: the dream could not be measured; the reality can be. Supposedly. Maybe. We hope.

Buchanan argued that the choice-influenced costs that are subsequently imposed on people as a result of some previous decision are in some sense *objective and measurable*—so many forfeited dollars of income, for example[10]—but these real-world costs did not affect the original decision in any way. Yet even this doffing of the economist's cap to objective cost theory may be overly respectful, given the presuppositions of modern subjectivist economics. The *meaning* of these objective, choice-influenced costs—e.g., accounting costs—must be *subjectively evaluated* by the person who personally bears them. A number in a ledger is supposed to convey accurate and *economically relevant* information in order for it to be effective as a summary of past events. The individual who pays an accountant thinks he is getting something for his money. What is he getting? A bunch of numbers on a page? Or information? The individual must interpret the significance of this information. There is no escape from subjectivism.

8. Vern Poythress, "A Biblical View of Mathematics," in Gary North (ed.), *Foundations of Christian Scholarship: Essays in the Van Til Perspective* (Vallecito, California: Ross House Books, 1976), pp. 159–88.

9. *Ibid*., p. vii.

10. Even here, who can be sure just how many dollars were actually forfeited as a result of the decision? Would the person's *perceived* alternative use of his money have been as wise (high return) as the best opportunity the market *objectively* offered at the time?

2. The Roads Not Travelled

Consider your own situation. You are still reading this essay. You still have faith. Let us consider a hypothetical possibility. With the time you spend reading this essay (assuming you stick with it to the bitter or delightful end), you might be able to think of an investment strategy that would make you rich, but because of something you will read here, you will never think of it or have the courage to risk it. On the other hand, you may also avoid an investment that really would bankrupt you. Unlike the man in the story of the lady and the tiger, you have the option of ignoring both doors; instead, you choose to read this essay. But you could have opened a door. Which would it have been, the lady or the tiger? You cannot know for sure. You will never know. You can only guess. So, what is the true cost of reading this essay? Life with the lady or a brief but colorful encounter with the tiger?

If we take seriously the modern economist's discussion of costs and choices, we may find our world disturbing. We never really know what our actions are costing us, assuming that it is true that there is no way to relate our subjective evaluations before we act with objective costs after we act. This disturbing lack of certainty can be relieved, however: "And we know that all things work together for good to them that love God, to them who are the called according to his purpose" (Rom. 8:28).[11] But this suggestion is hardly helpful to the modern humanistic economist.

We can of course sit around moaning and groaning about a past cost: the abandoned dream that might have come true. We can worry retroactively about what our decision has cost us. But the cost that really counted—"counted" is in fact misleading, since there was nothing objective to count—at the moment of our decision was imposed at that moment. What is past is past. Paul wrote: ". . . forgetting those things which are behind, and reaching forth unto those things which are before" (Phil. 3:13). This is what the economist says of all decisions. Decision-makers are necessarily forward-looking. The past is gone forever. We must do the best we can with whatever we have today. This is the doctrine of *sunk costs*.[12]

This is not to say that we do not bear the objective costs that are imposed by a previous decision. We do. Even if we do not perceive

11. Gary North, *Cooperation and Dominion: An Economic Commentary on Romans*, 2nd ed. (Dallas, Georgia: Point Five Press, [2000] 2012), ch. 6.

12. Gary North, *An Introduction to Christian Economics* (Nutley, New Jersey: Craig Press, 1973), ch. 26.

these costs, we bear them. A madman may not understand that he is not Napoleon, but he bears the social costs of his delusion when he is placed in an insane asylum. This is why there can be no escape from objective costs, any more than from subjective costs. But whether we accurately foresaw these costs or not, they are the *result* of that action, not its cause. These costs are borne by us objectively in history, yet they are always subjectively borne. One person may bear his burden in good cheer; another is utterly oppressed by what objectively (i.e., to an outside evaluator) appears to be the same magnitude of burden. Who is to say whose evaluation is correct? Only the omniscient God can do this, and His evaluation is not objectively measurable by the economist. This does not refute its existence. God imputes. God judges. God renders final judgment. There will be a day of reckoning—of counting and evaluating.

D. Some Odd Conclusions

An exclusively subjectivist view of cost and choice can lead to some very odd conclusions. (So, for that matter, can any other exclusive line of human reasoning.) G. F. Thirlby followed the logic of the one-time decision and concluded: "Cost is ephemeral. The cost involved in a particular decision loses its significance with the making of a decision because the decision displaces the alternative course of action."[13] This is Buchanan's view. Thirlby said emphatically that "the cost figure will never become objective; *i.e.*, it will never be possible to check whether the forecast of the alternative revenue was correct, because the alternative undertaking will never come into existence to produce the actual alternative revenue."[14]

1. Should You Fire Your Accountant?

What does this mean for the accounting profession? What does it do to the very concept of personal or corporate budgeting? He did not say, but he did not stop, either. Following the persuasive logic of subjectivism, Thirlby concluded that "The cost is not the things—*e.g., money—which will flow along certain channels* as a result of the decision; it is a loss, prospective or otherwise, to the person making the

13. G. F. Thirlby, "The Subjective Theory of Value and Accounting Cost," *Economica*, XII (Feb. 1946), p. 34; cited by Buchanan, *Cost and Choice*, p. 31. This essay is reprinted in James Buchanan and G. F. Thirlby (eds.), *L.S.E. Essays on Cost* (New York: New York University Press, 1981). L.S.E. stands for London School of Economics.

14. Thirlby, "The Ruler," *South African Journal of Economics*, XIV (Dec. 1946), p. 264; *ibid.*, p. 33.

decision. . . . cost *cannot be discovered by another person who eventually watches and records the flow of those things along those channels*."[15] Then of what objective use are accountants? Why was the advent of double-entry bookkeeping such a revolutionary event in the history of civilization?[16] He did not say.

Furthermore, what does such a view of budgeting do to the idea of the free market as a social institution for producing economic order—objective economic order? What does such a view do to the idea of the stock market, since money prices for shares are the means by which decision-makers evaluate the past performance of all other participants in the market? What does the price of a share of corporate stock have to do with expected future performance of that corporation's management? What is the link, if any, between present share prices and future economic performance? How do we get from subjective value to objective share prices and back again? How do we preserve our capital? For that matter, how do we measure our capital? How can we bridge the gap between the world of purely subjective costs and objective market prices? Buchanan insisted: "*Only prices have objective, empirical content*. . . ."[17] Then precisely what empirical content does a price possess or reveal, and how do we discover it or make effective use of it—subjectively and objectively, personally and socially?

In short, *what does an objective price have to do with individual subjective value*? What is the *economic meaning* of a price—individually and socially, subjectively and objectively? (This is the number-one epistemological problem that has beset modern economics since the 1870s.)

2. The Realm of Possibility

Another example: Buchanan made this statement: "Any profit opportunity that is within the realm of possibility but which is rejected becomes a cost of undertaking the preferred course of action."[18] But Buchanan neglected any consideration of the economics of a rejected opportunity that is not in fact—*objective* fact—within the realm of possibility. We normally call such an opportunity a *loss*. Wouldn't avoiding a loss be a *benefit* of undertaking the preferred course of action? If the decision-maker's first choice is to reject the objectively impossible (i.e., unprofitable) course of action for whatever reason,

15. Thirlby, "Subjective Theory," *ibid*., p. 31.

16. Ludwig von Mises, *Human Action: A Treatise on Economics*, (New Haven, Connecticut: Yale University Press, 1949), p. 301.

17. Buchanan, *Cost and Choice*, p. 85.

18. *Ibid*., p. 28.

and also to reject the second, objectively possible, course of action for whatever reason, won't he remain in the profit column overall? I do not want to press this line of reasoning too hard because it bogs us down too deeply in the philosophical problem of available and unavailable information, but we need to recognize at least the nature of the epistemological problem: *if everything is completely subjective at the moment of decision, what does "the realm of possibility" have to do with anything*? Maybe the decision-maker believes that could achieve something great if he just had the courage of his convictions, when in fact he would have gone bankrupt. Is his true cost the forfeited unattainable greatness or the forfeited inevitable bankruptcy? If all costs at the time of his decision are purely subjective, then his cost must be the forfeited greatness he believed he would attain. This, clearly, is nut-ty—logical but nutty. So is any theory of cost and choice that is exclusively subjective.

The economist, no matter how hard he tries to tie human decisions exclusively to the action-taker's subjective evaluations, cannot escape the bedrock realm of possibility. Possibility is his measuring rod for discussing cost, a "ruler" without which all economic discussion becomes theoretically impossible. On the other hand, no matter how hard he tries to make objective that realm of possibility, through probability theory and other statistical techniques, he cannot escape the inherent subjectivity of the decision of the acting individual who is responsible for his actions. The economist needs—yes, *needs*[19]—a scientific theory of cost that is both subjective and objective without being eternally dialectical. Such a scientific theory does not exist in humanistic theory. This is the heart of my critique of all previous discussions of the problem of social cost.

E. The Persistent Question of Value

Economists, as self-consciously humanistic social scientists, claim to be defenders of a rational academic discipline. Most of them defend their methodology in terms of the assertion that it allows them to make accurate predictions of human actions under limited, specified conditions.[20] These predictions are supposed to enable people

19. Few concepts are less acceptable to an economist that the concept of *need*. A need is something which is not negotiable, and for an economist, everything economic is defined as negotiable.

20. Milton Friedman, *Essays in Positive Economics* (Chicago: University of Chicago Press, 1953), ch. 1: "The Methodology of Positive Economics."

to make economic decisions that are more profitable than decisions made by flipping a coin, consulting a fortune teller, or throwing darts at a wall covered with slips of paper, with each slip containing a different suggested course of action.

To make their claim believable, economists have to make a myriad of assumptions about reason, the human mind, the powers of observation, the external world, and the interrelationships between the mind and matter. These assumptions are very seldom spelled out by economists.[21] Epistemology, which is the fundamental question of all philosophy—"What can man know, and how can he know it?"—is not a popular topic within the economics profession.[22]

1. The Problem of Measurement

The advent of modern economics is generally dated from the early 1870s, when three scholars independently came to the same conclusion, namely, that economic value is *imputed*: the concept of *subjective* value.[23] Value, they concluded, is subjectively determined. It is not an objective quantity. The key unit of value is the value (subjective) of the marginal unit. The decision-maker asks himself: "How much (objective) of *this* must I give up in order to obtain *that*?" By 1900, virtually all non-Marxist economists had broken with the older objective value theories of the classical economists, such as the labor theory of value or the cost-of-production theory of value. By grounding economics on the subjective valuations of individual decision-makers, economists today believe that they have escaped from the intellectual dilemmas that had arisen as a result of classical economics' objective value theory. (The most famous one was Adam Smith's "water-diamond paradox.")[24]

21. Gary North, "Economics: From Reason to Intuition," in North (ed.), *Foundations of Christian Scholarship*.

22. Fritz Machlup, "Introductory Remarks," *American Economic Review, Papers and Proceedings*, XLII (May 1952), p. 34.

23. The three scholars were William Stanley Jevons (England), Carl Menger (Austria), and Leon Walras (Switzerland). See R. S. Hovey, *The Rise of the Marginal Utility School, 1870–1889* (Lawrence: University of Kansas Press, 1960); Emil Kauder, *A History of Marginal Utility* (Princeton, New Jersey: Princeton University Press, 1965).

24. "The things which have the greatest value in use have frequently little or no value in exchange.... Nothing is more useful than water:...A diamond, on the contrary, has scarce any value in use;..." Adam Smith, *Wealth of Nations* (1776), end of Chapter IV. The paradox: Why is it that something as valuable to human life as water is worth so little in comparison to diamonds, which are not really crucial to mankind? The marginalist-subjectivist's solution: "We never choose between water in general and diamonds in general. We choose between a specific amount of water and a specific amount of

They are self-deluded. They have not escaped such problems. They have merely created new intellectual problems for themselves—problems that are inescapable, given their commitment to the ancient ideal of humanism: "man as the measure of all things" (Protagoras).[25] (The careful economist would add this cautious corollary, "assuming for the sake of argument that there can be such a thing as a measure in economics.")

If man is the measure of all things, and man himself is a subjective, changing, and ultimately "free spirit," then man cannot serve as a measure of anything. Measures must be fixed, but there are no remaining fixed measures in modern thought—not even the speed of light (at least in quantum physics).[26] They are no longer fixed in biology: Darwinism's world of process has triumphed over fixed measures.[27] Measures are no longer fixed in morals.[28] They are no longer fixed in epistemology.[29] They do not exist in economics.[30] *There are no measures at all*. There may be discrete, permanent numbers—even this is highly speculative[31]—but there are no measures. Everything is on

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diamonds at a specific point in time. In the middle of a desert, someone might choose a drink of water over a bag of diamonds. Normally he wouldn't. Water is abundant compared to diamonds most of the time. Thus, the decision-maker's subjective evaluation at a particular moment of time is crucial, not the hypothetical (and non-existent) objective value of water in general vs. the objective value of diamonds in general."

25. Assertion 5 of Humanist Manifesto I (1933) stated: "Humanism asserts that the nature of the universe depicted by modern science makes unacceptable any supernatural or cosmic guarantees of human values." *Humanist Manifestos I and II (*Buffalo, New York: Prometheus Press, 1973), p. 8.

26. I refer here to the startling theory of subatomic physics, verified by numerous experiments, known as Bell's Theorem, which states that at the subatomic level, all events must be simultaneously related to each other across the entire universe. See Nick Herbert, *Quantum Reality: Beyond the New Physics* (Garden City, New York: Anchor Press/Doubleday, 1985), p. 214.

27. Assertion 2 of Humanist Manifesto I stated: "Humanism believes that man is a part of nature and that he has emerged as the result of a continuous process." *Humanist Manifestos I and II*, p. 8.

28. In 1973, *Humanist Manifesto II* stated: "Ethics is *autonomous* and *situational*, needing no theological or ideological sanction. Ethics stems from human need and interest." *Ibid*., p. 17.

29. Delwin Brown, Ralph E. James, and Gene Reeves (eds.), *Process Philosophy and Christian Thought* (Indianapolis: Bobbs-Merrill, 1971).

30. Ludwig von Mises wrote: "The truth is that there are only variables and no constants. It is pointless to talk of variables where there are no invariables." Mises, *Theory and History: An Interpretation of Social and Economic Evolution* (New Haven, Connecticut: Yale University Press, 1957), p. 13.

31. Poythress, "A Biblical View of Mathematics," *Foundations of Christian Scholarship, op. cit.*

a continuum, nothing is discrete.[32] This absence of measures leads, step by step, to radical subjectivism and radical relativism. Heraclitus' river of flux is at last definitively eroding Parmenides' fixed shore line. Chaos looms.[33]

Having said this, the economist nevertheless resists making the obvious conclusion regarding the relativity of all measurement: *the denial of the possibility of relevant scientific precision*. Vainly, he protests: "There are economists who have propounded the relativity of measure. Apparently, they failed to see that this view saps the entire foundation upon which the economic science rests."[34] Sap! He, too, is inescapably one of these epistemologically short-sighted economists.

Consider the question of environmental pollution. A consistent economist—an exceedingly rare creature—must conclude: "One man's polluted stream is another man's profit for the fiscal year, and there is no conceivable scientific way to say which is better for society in general, for there is no scientific way of identifying such an entity as society in general." To admit this, however, would be to commit methodological suicide in public. Modern economics has in fact committed suicide, but it has done so in private. Economists do not leap from tall buildings during their lunch hour. They much prefer to do away with themselves in private—through an overdose of qualifications.

2. The Great Debate

In my commentary on Genesis, I discussed the problem of objective and subjective value at considerable length. I analyzed the important critique of Cambridge Professor A. C. Pigou by London School of Economics Professor Lionel Robbins, and then the subsequent debate between Robbins and Roy Harrod.[35] To review very briefly, Pigou, in his pioneering study of welfare economics, had argued that because each additional monetary unit's worth of income is worth less to a man than the previous unit, the value of one additional unit of income to a millionaire will necessarily be less than its value to a poverty- stricken man. Thus, Pigou concluded, the state can increase the aggregate social welfare of the community by taking a portion of the rich man's income in the high income brackets and

32. Nicholas Georgescu-Roegen, *The Entropy Law and the Economic Process* (Cambridge, Massachusetts: Harvard University Press, 1971), ch. 3.

33. James Gleick, *Chaos: Making a New Science* (New York: Viking, 1987).

34. Georgescu-Roegen, *Entropy Law*, p. 111.

35. Gary North, *Sovereignty and Dominion: An Economic Commentary on Genesis* (Dallas, Georgia: Point Five Press, [1982] 2012), ch. 5.

transferring this money to the poor man. This tax will not hurt the rich man very much (he puts so little value on the last bit of money he receives), while the marginal income will greatly benefit the poor man (who has so little income to begin with). Net social utility is increased.

Robbins replied in 1932 that the argument is invalid as a scientific statement. Because all economic value is subjective, we cannot, as scientists, make interpersonal comparisons of subjective utility. There is no objective column of figures to add up when we are talking about subjective value. (If true, then the science of accounting has no logical connection with either the science of economics or the vocation of business. This obvious conclusion, however, is too radical for most economists even to discuss.)[36] Therefore, economists cannot legitimately say anything about the increase or decrease of "social value" which is produced by taking a percentage of the rich man's income in the higher brackets and giving this money to the poor man.[37] No one in the economics profession has ever proposed a rational answer to Robbins' argument, yet hardly any economist—I would say no economist—has been able to develop a comprehensive economic theory in terms of this argument, including Robbins.[38]

Roy Harrod[39] complained in his rejoinder in 1938 that if Rob-

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36. Gary North, "There's No (Autonomous) Accounting for Taste," *Biblical Economics Today*, XI (June/July 1988).

37. Lionel Robbins, *An Essay on the Nature and Significance of Economic Science* (New York: St. Martins, 1932), pp. 136–41.

38. Richard Posner wrote: "The 'interpersonal comparison of utilities' is anathema to the modern economist, and rightly so, because there is no metric for making such a comparison." Had he let it go at that, he would have been honest. But he knew what this would mean: the impossibility of formulating any social policy based on truly scientific economics, so he illegitimately added the following unproven and unprovable statement: "But the interpersonal comparison of values, in the economic sense, is feasible, although difficult, even when the values are not being compared in an explicit market." Posner, *Economics of Justice*, p. 79. Apparently, all the economist needs to do is change the word "utility" to "values," and he goes from the impossible to the merely difficult. Let me tell you something about humanistic economists: *they cheat*. Maybe not self-consciously, but the resulting confusion is the same. At the very least, the economics profession is self-deceived.

39. Harrod later became Sir Roy Harrod. He was John Maynard Keynes' handpicked successor as editor of *The Economic Journal*. Together, they controlled access to England's most prestigious academic economics journal for half a century. Like Keynes, he never received an academic degree in economics. He did study economics with Keynes for one year, 1922–23. Neither of them ever earned a degree above the bachelor's degree: Keynes' was in mathematics and Harrod's was in the humanities. See Don Patinkin, *Anticipations of the General Theory? And Other Essays on Keynes* (Chicago: University of Chicago Press, 1982), pp. xv, xvi. John Neville Keynes, Maynard's

bins were really serious about this argument, then he would have to abandon the idea that it is possible for the economist, as a scientist, to make *any* recommendations concerning proper economic policy, since any state-imposed policy always hurts some participants and benefits others. If it is impossible to make interpersonal comparisons of subjective utility, then economists must remain forever silent about the aggregate (social) economic benefits and costs of any decision by an individual or the state.[40]

Robbins was correct in his criticism of Pigou, given the presuppositions of modern, subjectivist economics. Harrod was equally correct in his criticism of Robbins, namely, that *his conclusion would destroy all applied economic science*. Robbins subsequently backed away from this conclusion concerning the inability of economists to say anything about social welfare or the benefits of social policies in general.[41] But he never explained how he could logically back away from this conclusion, and he lived until 1985. Even more inconsistently, he also never publicly backed away from his critique of Pigou's argument in favor of graduated ("progressive") income taxation.

The implications of Robbins' position are radical, and economists have long been unwilling to face them, including Robbins. Buchanan once wrote that "it is precisely the problems posed in modern welfare economics that force the economist to come to grips with the basic issues of political and legal philosophy."[42] These issues also force the more astute economist to come to grips with the fundamental issue of all philosophy: epistemology. But the ranks of the economics profession are filled with men and women who have no training in epistemology and care nothing about it.[43] They never answer by means of modern subjectivism the fundamental philosophical question: "What can men know, and how can they know it?" They operate in terms of an implicit though hidden dialecticism between objective and subjective value theory.

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father, and Pigou personally paid for young Maynard's salary when they hired him to teach economics at King's College, Cambridge in 1908. Keynes, Sr. was chairman of the department for many years.

40. R. F. Harrod, "Scope and Method of Economics," *Economic Journal*, XLVIII (1938), p. 397.

41. Lionel Robbins, "Interpersonal Comparisons of Utility: A Comment," *ibid.*, pp. 635–37.

42. James Buchanan, "Good Economics–Bad Law," *Virginia Law Review*, LX (1974), p. 488.

43. An exception is the Austrian School.

3. Social Cost

Pigou also raised another issue concerning welfare economics. It is a variant of the earlier problem of wealth redistribution. It has become known in the economics profession as "the problem of social cost." Pigou argued that there are cases of market failure[44] in which private benefits from a particular activity impose costs on third parties. Pollution is the obvious example, although there are many others, he said. The benefits to the polluter are immediate and direct, but there is no market-produced incentive for him to cease polluting as long as his costs of operation are less than expected revenues.[45] Part of these costs are borne by someone else. At most, the polluter bears only part of the costs (stinging eyes, for example), but he reaps all of the rewards (lower production costs). He continues to pollute the environment. Total costs in the community—*social* costs—are therefore greater than his personal private costs. Followers of Pigou's analysis frequently argue that the state should redistribute this "stolen" wealth back to the original owners, perhaps through a tax on polluters and tax reductions for victims, so as to balance total social benefits (from production) and total social costs.

There is a hidden problem with this line of reasoning, one which was not discovered for almost half a century. Buchanan pointed to it: "The Pigouvian norm aims at bringing marginal private costs, *as these influence choice*, into line with social costs, *as these are objectively measured*. Only with objective measurability can the proper corrective devices be introduced."[46] The problem is this: choice-influencing costs are exclusively subjective, according to modern economic theory. Only choice-influenced costs can be "objectively measured" (maybe). How can the judges impose objective costs that will be appropriate—scientifically appropriate—to reduce the existing level of pollution to a socially appropriate level?

This raises many other questions. How can the civil judges know what is the socially appropriate level of pollution? How can they preserve the legal predictability of the courts if they cannot specify in advance the appropriate penalties? How can they be even vaguely confident that "the punishment fits the crime" of polluting? But these

44. Tyler Cowen (ed.), *The Theory of Market Failure: A Critical Examination* (Fairfax, Virginia: George Mason University Press, 1988).

45. Yes, yes, I know: "the present value of an expected future stream of income, discounted by the prevailing rate of interest." But sometimes I prefer to write in English.

46. Buchanan, *Cost and Choice*, p. 74.

questions did not get asked for half a century, although they were implied by Robbins' original critique. What finally got scholars to start asking them was an essay by R. H. Coase.

F. The Coase Theorem[47]

Economists freely acknowledge that this is one of the most important economic essays ever written. It is by far the one most widely cited, and the number of citations has been escalating in recent years. Without warning, it hit both the economics profession and the world of legal theory.

Coase had been the author of an important study of the firm, published a generation earlier in 1937.[48] For the next two decades, he published very little in professional scholarly journals.[49] In 1959, he published a significant article on the Federal Communications Commission.[50] Then, like a bombshell, came his essay on social cost. Few essays that appear in scholarly economics journals ever get cited by anyone else, and certainly not by numerous economists. After five years, a scholarly essay in economics, assuming it ever was noticed, ceases to be cited, except for those regarded as classics.[51] Yet this one is cited more widely than any other article, half a century later.

Richard Posner went so far as to argue in his widely read textbook on law and economics that Coase's essay and one by Guido Calabresi[52] were instrumental in launching an entire academic discipline, law and economics,[53] "the application of the theories and empirical methods of economics to the legal system across the boards."[54] The

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47. R. H. Coase, "The Problem of Social Cost," *Journal of Law and Economics*, III (1960), pp. 1–44.

48. Coase, "The Nature of the Firm," *Economica* IV (1937), pp. 386–405.

49. Coase, "Business Organization and the Accountant," *The Accountant* (Oct.–Dec. 1938), a series of a dozen brief essays written for non-economists; a shortened version is reprinted by Buchanan and Thirlby in *L.S.E. Essays on Cost*; Coase, "The Marginal Cost Controversy," *Economics*, XII (Aug. 1946). A bibliography of Coase's works appears in "On the Resignation of Ronald H. Coase," *Journal of Law and Economics*, XXVI (April 1983). The bulk of his academic articles came after 1960.

50. Coase, "The Federal Communications Commission," *Journal of Law and Economics*, II (1959). This essay is reprinted in Eirik G. Furubotn and Svetozar Pejovich (eds.), *The Economics of Property Rights* (Cambridge, Massachusetts: Ballinger, 1974).

51. A. W. Coats, "The Role of Scholarly Journals in the History of Economics: An Essay," *Journal of Economic Literature*, X (1972), p. 42.

52. Guido Calabresi, "Some Thoughts on Risk Distribution and the Law of Torts," *Yale Law Journal*, vol. 70 (1961), pp. 499ff.

53. A. Mitchell Polinsky, *Introduction to Law and Economics* (Boston: Little, Brown, 1983).

54. Richard A. Posner, *Economic Analysis of Law* (Boston: Little, Brown, 1986), p. 19.

Coase Theorem (he capitalized it, indicating his respect for it) "established a framework for analyzing the assignment of property rights and liability in economic terms. This opened a vast field of legal doctrine to fruitful economic analysis."[55] Two scholarly journals, both published by the University of Chicago, have been heavily influenced by the Coase theorem: *The Journal of Law and Economics* and *The Journal of Legal Studies*. This is understandable, given the fact that Coase edited the *Journal of Law and Economics* for 19 years, 1965–1983, and the *Journal of Legal Studies* is a sister publication.[56] As Posner wrote in 1981, "Until recently, then, utilitarianism held sway in legal theory, but overt economic analysis was rare. The position is now reversed."[57]

Coase's essay was perhaps the key one in the revival of interest in the question of pollution and economics, as well as a crucially important contribution to a free market theory of property rights. And, let me say from the outset, it is a dangerously flawed essay. Few economists have seen its flaws. The first professional economist I ever heard even mention a really critical comment against it—essentially, the same criticism I had also come up with—could not get it published in a conventional professional economics journal, and he had to wait three years after he discussed his criticism with me before he saw it in print.[58]

1. Coase vs. Pigou

Coase summarized the state of the debate—it had long ceased to be debated very much—as of 1960. Pigou's statement of the problem had given the problem of social cost its traditional framework. This discussion was categorized under the general rubric of "externalities." The term refers to the imposition of a firm's costs of operation on those who are not owners of the stream of future income generated by the production process. In other words, these victims are *external* to the firm or production unit, but not external to its costs of operation. Almost without exception, the economists' discussion of externalities ended with a consideration of what government measures are appropriate to reduce or eliminate these externalities. The conclu-

55. *Ibid.*, p. 20.

56. For a survey of this literature, see the footnotes in the article by Elizabeth Hoffman and Matthew Spitzer, "The Coase Theorem: Some Experimental Tests," *Journal of Law and Economics*, XXV (April 1982), pp. 73–98. The rigor of the limiting assumptions made by the authors of this article is much greater than Coase's own formulation; the article is also far less readable or usable.

57. Posner, *Economics of Justice*, p. 51.

58. Walter Block, "Coase and Demsetz on Private Property Rights," *Journal of Libertarian Studies*, I, No. 2 (1977), pp. 111–15.

sions reached by most economists, based on Pigou's analysis in *The Economics of Welfare* (4th ed., 1932; originally published in 1920), were as follows, Coase summarized: the producer of pollution (smoke, noise, etc.) should (1) pay damages to those injured, or (2) have a tax imposed on his production by the civil government, or (3) have his factory excluded from residential districts.[59] Coase's article broke with this tradition.

Aaron Levine summarized Coase's theoretical breakthrough: "Assuming zero transaction costs and economic rationality, Coase, in his seminal work, demonstrated that the market mechanism is capable of eliminating negative externalities without the necessity of governmentally imposed liability rules."[60] Furthermore, the theorem leads to the conclusion that "if transactions are costless, the initial assignment of a property right will not determine the ultimate use of the property."[61] Free market economists of the Chicago School have increasingly sided with Coase. (What is also rather startling is that traditional Jewish law had adopted the basic features of the Coase theorem many centuries earlier; English law had not.)[62]

The problem is, of course, that *there are and always will be transaction costs*.[63] Or, I should say, this is *a* problem. The major problem that the Coase theorem assigns zero economic value—and therefore zero relevance—to the sense of moral and legal outrage associated with a willful violation of private ownership. It ignores the economic relevance of the public's sense of moral outrage when there is no enforcement by the civil government of owners' legal immunities from invasion, even if done in the name of some "more efficient" social good or social goal. This is why I conclude that *the Coase theorem is one of the most morally insidious pieces of academic nonsense ever to hit the economics profession*; worse, it has infected—and I do mean *infected*—the thinking of a generation of very bright and very glib free market economists and legal theorists. Coase has served as the Typhoid Mary of Chicago School economists for five decades. His essay has drastically compromised the academic case for liberty. It has imposed

59. Coase, "Social Cost," p. 1.

60. Aaron Levine, *Free Enterprise and Jewish Law: Aspects of Jewish Business Ethics* (New York: Ktav Publishing House, Yeshiva University Press, 1980), p. 59.

61. Posner, *Economic Analysis of Law*, p. 7.

62. Yehoshua Liebermann, "The Coase Theorem in Jewish Law," *Journal of Legal Studies*, X (June 1981), pp. 293–303.

63. For a brief introduction to the question of transaction costs, see Oliver E. Williamson, "Transaction-Cost Economics: The Governance of Contractual Relations," *Journal of Law and Economics*, XXII (October 1979), pp. 233–61.

private costs on those of us who are attempting to make a case for free market economics. In this sense, Coase's theorem is a form of pollution. But because it is intellectual pollution, those injured cannot take him to court and sue for damages. The best we can do is offer a pollution-control system: proof that his whole argument is specious.

Coase fully recognized from the beginning the nature of the technical economic problem he had raised, namely, *the impossibility of a world in which there are no transaction costs*. The moral issues related to property rights he dismissed without a moment's public hesitation as irrelevant to economic analysis. Therefore, he allowed civil judges to intervene to settle disputes. But there is a problem here: Coase could not escape the nagging problem ignored by Pigou and all welfare economists, namely, *the problem of interpersonal comparisons of subjective utility*. Coase's "scientific" case against Pigou rests on the implicit assertion that men, especially judges, can make such comparisons in their act of formulating social policy.

The only professional response deeply critical of Coase has been made by Austrian School economists, who recognize the weakness of Chicago School presuppositions concerning interpersonal comparisons. They side with Robbins—the 1932 Robbins—against Coase: no interpersonal comparisons of subjective utility. If followed consistently, it would become impossible to defend the idea of government penalties against polluters.

2. The Ethical Pea Beneath the Neutral Shell

The astounding fact about the Coase theorem is that every economist knows that there are no cases of exchanges in which there are zero transaction costs. They also know that the Coase theorem applies *only* where there are zero transaction costs. Yet they do not identify the Coase theorem as an instance of curious but utterly irrelevant academic speculation. Instead, they try to work with his theorem. Richard Posner, an economist and a judge in the U.S. Appeals Court (Seventh Circuit), admitted that the Coase theorem applies only to zero transaction cost situations, yet he devoted most of his academic career to pursuing the economic implications of the Coase theorem in the field of law. Only at age 70 did he abandon all of this and become a Keynesian.[64] He knew that Coase's initial assumption—that transaction costs are zero—cannot be true in the real world. Posner wrote:

64. Richard Posner, "How I Became a Keynesian: Second Thoughts in the Middle of a Crisis," *The New Republic* (Sept. 23, 2009).

> The economist does not merely decree that absolute rights [of ownership—G.N.] be created and then fall silent as to where they should be vested. To be sure, if market transactions were costless, the economist would not care where a right was initially vested. The process of voluntary exchange would costlessly reallocate it to whoever valued it the most. But once the unrealistic assumption of zero transaction costs is abandoned, the assignment of rights becomes determinate. If transaction costs are positive (though presumably low, for otherwise it would be inefficient to create an absolute right), the wealth-maximization principle requires the initial vesting of rights in those who are likely to value them most, so as to minimize transaction costs. This is the economic reason for giving a worker the right to sell his labor and a woman the right to determine her sexual partners. If assigned randomly to strangers, these rights would generally (not invariably) be repurchased by the worker and the woman; the costs of the rectifying transaction can be avoided if the right is assigned at the outset to the user who values it most.[65]

Posner openly admitted that, in some cases, even where transaction costs are low, the worker or the woman in his example would not (i.e., could not afford to) repurchase these rights of ownership. This follows from his definition of value: "The most important thing to bear in mind about the concept of value is that it is based on what people are willing to pay for something rather than on the happiness they would derive from having it. . . . The individual who would like very much to have some good but is unwilling or unable to pay anything for it—perhaps because he is destitute—does not value the good in the sense in which I am using the term 'value.'"[66] The conclusion is obvious, and he did not hesitate to draw it: "Equivalently, the wealth of society is the aggregate satisfaction of those preferences (the only ones that have ethical weight in a system of wealth maximization) that are backed up by money, that is, that are registered in a market." In short, people's demonstrated preferences—money on the line—are the only ones that possess "ethical weight" in his definition of wealth-maximization. Does this include marriage? Of course. Does this include games of chance? Of course. "Much of economic life is

65. Posner, *Economics of Justice*, p. 71. For a critique of Posner's approach to the law, see Buchanan, "Good Economics–Bad Law," *Virginia Law Review, op. cit.* See also the biting and incisive essay by Arthur Allen Leff, "Economic Analysis of Law: Some Realism About Nominalism," *ibid.*, pp. 451–82. This is a rare and much-needed example of a scholar who recognizes the importance of the late medieval debate over realism vs. nominalism as it applies to the economic issues of objective vs. subjective value theory. Modern economic theory is explicitly nominalist but implicitly realist when it comes to formulating policy.

66. *Ibid.*, pp. 60, 61.

still organized on barter principles. The 'marriage market,' child rearing, and a friendly game of bridge are examples. These services have value which could be monetized by reference to substitute services sold in explicit markets or in other ways."[67]

Question: Who makes the initial distribution of an ownership right to whomever "values it the most"? How does this sovereign agent know scientifically which potential owners "are likely to value them [ownership rights] the most"? In short: *By what standard of value does he make the initial distribution*? Dead silence from Chicago School economists. To say anything at this point would be a public admission that economic science is no longer value-free. The Coase theorem must be seen for what it is: an important component in *a universal academic shell game*. The ethical pea is always concealed beneath the seemingly neutral scientific shell of cost-benefit analysis. Watch what the economist does, not what he says he is doing. He is invariably making interpersonal comparisons of subjective utility every time he recommends a policy decision.

The debate over social costs raises once again the ancient debate between objective and subjective knowledge. It is one of the persistent antinomies in all humanist thought. The epistemological problem of social cost is an *ethical* problem, and as such, humanists cannot solve it "scientifically."

3. Reciprocal Harm

Coase reformulated the terms of the debate over externalities. "The question is commonly thought of as one in which A inflicts harm on B and what has been decided is: how should we restrain A? But this is wrong. We are dealing with a problem of a reciprocal nature. To avoid the harm to B would inflict harm on A. The real question that has to be decided is: should A be allowed to harm B or should B be allowed to harm A? The problem is to avoid the more serious harm."[68]

To begin with, *such reasoning is perverse*, if accepted as a methodological standard governing economic analysis in all instances involving economic action. It would be just as easy to say of kidnapping that any restrictions on kidnapping by the state harm the kidnapper, and that a lack of restrictions harms the victims. If we are going to build an economic system in terms of the supposedly "reciprocal nature of harm"—that each economic actor suffers harm when he is

67. *Ibid.*, p. 61.
68. Coase, "Social Cost," p. 2.

restricted from acting according to his immediate whim—then economics becomes positively wicked, not value-free, in its attempt to sort out just how much harm the courts will allow each party to impose on the other.

There are some areas of life—areas governed by biblical morality—in which such "cost-benefit analyses" must not even be contemplated. For example, any attempt to impose cost-benefit analyses on competing techniques of mass genocide, including abortion, is demonic, not scientifically neutral. Whether a genocidal society should adopt either gas chambers or lethal injections for adults, or either saline solutions or suction devices for unborn infants, cannot be solved in terms of comparative rates of cost-efficiency, for the economist always ignores a major "exogenous variable": the wrath of God. God will efficiently judge those individuals who promote all such cost-efficient systems, as well as societies that adopt them. If legal restrictions against mass genocide harm the potential mass murderers, this is all to the good. Society faces no "reduction in social benefits" whatsoever. Justice does cost something, but the net economic effect is positive, whether the economist sees this or not. There is no reduction in net social benefits as a result of the thwarted goals of the now-restricted (or previously executed) genocidal technocrats.

Coase offered the following example of reciprocal harm. What about cattle that stray onto another man's property and destroy crops? This, it should be noted, is precisely the issue dealt with by Exodus 22:5. Coase wrote: "If it is inevitable that some cattle will stray, an increase in the supply of meat can only be obtained at the expense of a decrease in the supply of crops. The nature of the choice is clear: meat or crops?"[69]

This appears to be correct economic analysis, as far as it goes. It forces us to think about the problem in terms of that which members of the society must give up, meat vs. crops. But his next sentence is the very heart of the problem, and he never showed how economists—or anyone else, for that matter—can, as scientists, make an economically rational (i.e., neutral) choice in the name of society: crops vs. meat. Indeed, humanistic economics cannot possibly answer this question because of the inability of economists, as scientists, to make interpersonal comparisons of subjective utility.[70]

69. *Idem.*

70. In other words, we cannot make scientific comparisons of the utility gained by one person vs. the utility thereby forfeited by another person. There is no unit of "utili-

4. Subjective Value vs. Social Policy

Coase never came to grips with this problem. "What answer should be given is, of course, not clear until we know the value of what is obtained as well as the value of what is sacrificed to attain it."[71] *Value*? As economists, we need to ask ourselves several questions: Value to whom? Society as a whole? The value to the cattle owner? The value to the farmer? Also, how can we make such estimates of economic value, since economic value is subjective? Questions of economic value are the main problems raised by his paper, yet he could not answer them by means of the "scientific economics" he proclaimed. No economist can. Economist Peter Lewin went to the heart of the matter when he writes in a withering critique of Coase that

> costs are individual and private and cannot be "social." The social- cost concept requires the summation of individual costs, which is impossible if costs are seen in utility terms. The notion of social cost as reflected by market prices (or even more problematically by hypothetical prices in the absence of a market for the item) has validity only in conditions so far removed from reality as to make its use as a general tool of policy analysis highly suspect....
>
> The foregoing suggests that any perception of efficiency at the social level is illusory. And the essential thread in all the objections to the efficiency concept, be it wealth effects, distortions, or technological changes, is the refusal by economists to make interpersonal comparisons of utility. Social cost falls to the ground precisely because individual evaluations of the sacrifice involved in choosing among options cannot be compared.[72]

The inability of anyone to make scientifically valid interpersonal comparisons of subjective utility has once again smashed all the hopes of the free market's humanist defenders to deal "scientifically" with a problem of social policy. The more astute "anarcho-capitalists" have understood this, and have thereby abandoned the very idea of social utility and social costs. They have also abandoned the idea of civil government.[73] They have not been able to demonstrate how people

ty measurement" which is common to both. We cannot as neutral scientists legitimately say that one man has gained greater utility (a subjective evaluation on his part) than another man has lost (another subjective evaluation). I discuss this problem in *Sovereignty and Dominion*, ch. 5.

71. Coase, "Social Cost," p. 2.

72. Peter Lewin, "Pollution Externalities: Social Cost and Strict Liability," *Cato Journal*, II (Spring 1982), pp. 220, 222.

73. "There is no government solution to pollution or to the common-pool problem because government is the problem." Gerald P. O'Driscoll, Jr., "Pollution, Libertarianism, and the Law," *ibid*, p. 50.

can deal successfully with the problems created by such technological developments as the internal combustion engine. But at least they are consistent. They do not search for "fools gold" intellectual solutions to "scientifically" insoluble problems. They do not search for pseudo-market solutions—"What would the correct market price be in the absence of a market?"—or solutions involving the hypothetical (and scientifically impossible) ability of judges to make scientifically valid social cost-benefit analyses in settling disputes. *There can be no scientifically valid answers to such social problems, given the presuppositions of modern, subjectivistic, individualistic economic theory*. Yet the approach used by Coase and his academic followers to deal with these questions assumes that there *are* scientifically valid answers to them.

Since there are no "neutral, scientific" answers, Coase's whole essay is an exercise in intellectual gymnastics: an illusion of scientific precision.[74] Nevertheless, it is considered a classic essay: a pioneering work that literally created a new approach in both economics and legal theory. What is revealing is that the economics profession as a whole has refused to face up to this problem, and it took over two decades for a critical analysis based on a 45-year-old observation by Lionel Robbins to be applied to the Coase theorem by an assistant professor (untenured) at an obscure university to be published in a new intellectual journal that had no following within the academic community.[75] Such is academia: academia nuts.

G. Property Rights

The meaning of "property rights" is this: individuals or associations that are represented by individuals possess a legal right to prevent others from stealing, invading, destroying, or otherwise interfering with their property. Owners therefore possess a legal right *to exclude others* from the use of specified property. This is analogous to covenantal forms of exclusion: the state's right to exclude non-citizens from voting; the married person's right to exclude others from sexual

74. This same illusion of scientific precision is at the heart of virtually every professional journal in economics, every mathematical equation, and every call for scientific policy-making issued by members of the economists' guild. The day an economist admits to himself that no economist can make interpersonal comparisons of subjective utility is the day that his public claims of economics' objective, scientific precision make him a charlatan. The day before, he was simply ignorant.

75. I referred to Block's essay. In my 1973 book, *An Introduction to Christian Economics*, I briefly referred to "R. H. Coase's clever sophistry," (p. 94n), but did not have space to pursue his arguments in detail. Some readers may think I should have let it go at that, or devoted the necessary space in some place other than here.

access to the partner; and the church's right to exclude non-members or non-Christians from the communion table. The phrase "property rights" means that there is a legally enforceable "bundle of rights" that is associated with specific forms of property.

Coase's essay undermines the very concept of private property rights. He offered a detailed, carefully constructed argument concerning the marginal gains to the cattleman vs. the marginal losses to the farmer from a roaming steer. What the essay demonstrates, *assuming that the psychological costs to the farmer of the cattleman's violation of his property rights are never taken into consideration*, is this: excluding transaction costs and information costs,[76] as well as assuming perfect competition (omniscience), *the gain or loss to society is the same*, whether the cattleman compensates the farmer for the value of the lost crops, should the cattle be left to roam, or the farmer compensates the cattleman for the higher costs of meat production, if the cattle are kept away from the farmer's crops (higher feed costs, costs of fencing, etc.). Again, assuming "conditions of perfect competition," Coase concluded: "Whether the cattle-raiser pays the farmer to leave the land uncultivated or himself rents the land by paying the land-owner an amount slightly greater than the farmer would pay (if the farmer was himself renting the land), the final result would be the same and would maximize the value of production."[77]

Given his initial, unrealistic hypothetical assumptions about free goods—no transaction costs, no information costs, and perfect competition—this conclusion initially appears to be correct, *assuming that farmers have no commitment to a sense of justice concerning property rights*. It also assumes that *members of such a society do not and will not suffer any additional economic losses when the civil government refuses to make cattle owners responsible for the damage their animals cause*. Both assumptions are implicit to Coase's thesis, and both are categorically incorrect. Coase began with an unreal world in which transaction costs are defined away, and from this he drew his equally unrealistic conclusions.[78]

76. "…when the damaging business has to pay for all damage caused *and* the pricing system works smoothly (strictly this means that the operation of the pricing system is without cost)." Coase, "Social Cost," p. 2.

77. *Ibid*., p. 6.

78. Wrote Jules L. Coleman: "No term in the philosopher's lexicon is more imprecisely defined than is the economist's term 'transaction costs.' Almost anything counts as a transaction cost. But if we are to count the failure to reach agreement on the division of surplus as necessarily resulting from transaction costs (I have no doubt that sometimes it does), then by 'transaction cost' we must mean literally anything that threatens the efficiency of market exchange. In that case, it could hardly come as

His conclusion initially appears to be correct, i.e., that in a zero-cost world, the outcome of the bargaining process would be the same, the value of cattle vs. the value of crops. Yet in a perceptive essay by Donald Regan, we learn that Coase had no warrant for drawing this conclusion. Coase assumed that the bargaining process will produce the same economic results, but why should it? Regan said that Coase offered no model of how this bargaining process would inevitably produce such identical results *in the absence of specified and enforceable property rights*. For example, sometimes a bargainer makes economic threats of non-cooperation that must be occasionally enforced in order to persuade the other party that he should take such threats seriously, even if the actual carrying out of the threat may injure the threat-maker in the short run. How could Coase know what the short-run or long-run outcome of a bargaining process will be? He couldn't.[79] This is simply another way of saying that we cannot confidently make social and economic evaluations of real-world events by abstracting economic theory from temporal reality, i.e., by creating a mental world in which there are no costs, no ignorance of present or future opportunities, and no need of threats to achieve our goals.

Coase stated clearly what he thinks the economic problem is. "The economic problem in all cases of harmful effects is how to maximize the value of production."[80] Furthermore, he was no fool. Later in the essay, he dropped his essay's initial assumption of zero transaction costs, perfect competition, and zero information costs.[81] Of course, he admitted, in real life there are transaction costs to settle disputes. For this reason, there is a role for civil government in settling costly disputes.[82] "All solutions have costs," including solutions imposed by

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a surprise that, in the absence of transaction costs so conceived, market exchange is efficient." Coleman, "Economics and the Law: A Critical Review of the Foundations of the Economic Approach to Law," *Ethics*, 94 (July 1984), p. 666.

79. Donald H. Regan, "The Problem of Social Cost Revisited," *Journal of Law and Economics*, XV (October 1972), pp. 428–32.

80. Coase, "Social Cost," p. 15.

81. There is always the nagging suspicion that once these formal theoretical assumptions are dropped, the whole intellectual performance becomes nothing more than a scholarly puzzle game. Will any of the conclusions concerning the world of the theoretical model still remain accurate, let alone applicable, once we begin to discuss the empirical world? And how can we know for sure? Only through intuition—a nonrational, nonlogical category. See Gary North, "Economics: From Reason to Intuition," in North (ed.), *Foundations of Christian Scholarship, op. cit.* See also North, *Sovereignty and Dominion*, pp. 443–60.

82. Coase, "Social Cost," pp. 15–19.

the civil government.[83] But one underlying presupposition distorts all of Coase's analysis—a presupposition that is all too common (and unstated) in Chicago School economic analysis: the legitimacy of leaving aside issues of right and wrong, of justice, of *equity*. "Of course, if market transactions were costless, all that matters (questions of equity apart) is that the rights of the various parties should be well-defined and the results of legal actions easy to forecast."[84] Problem: How can we discuss "the rights of the various parties" if we leave aside questions of equity—questions of right and wrong? In short, how can we discuss "rights" apart from what is *right*?

H. Discounting Moral Outrage to Zero

Questions of equity apart: here is a continuing assumption in the "value-free, morally neutral" economic hypotheses of modern free market economists. They apparently think that questions of equity, being questions of opinion and morality, cannot be dealt with scientifically, nor can economists, as scientists, put a price tag on violations of moral principle. They conveniently ignore the inescapable conclusion of subjectivist economics and methodological individualism, namely, that there is no scientific way to "measure" costs and benefits of any kind, since interpersonal comparisons of subjective utility are impossible for mortals to make. They naively believe that there is a neutral, value-free science of economics, but not of morality. They are correct about the impossibility of neutral morality; they are incorrect about the existence of a value-free economics. Economics deals with economic value, and there is no value-free economic value. The moment an economist raises the question of value—social value, personal value, value of Gross Domestic Product—he has left the hypothetical world of value-free science. Such a world is mythical anyway, but economists have invested so much of their intellectual and professional capital in this myth for so long that they find it difficult to abandon it. If they were to abandon this myth as a sunk cost, their peers would not take them seriously, and they would not get their unreadable and unread essays into professional journals any more.

One of Coase's academic defenders, Yale Law School's Guido Calabresi, carried the Coase theorem to distant shores of speculation and social unreality. He said that the Coase theorem demonstrates that "the same allocation of resources will come about regardless of which

83. *Ibid*., p. 18.
84. *Ibid* ., p. 19.

of two joint cost causers is initially charged with the cost, in other words, regardless of liability rules."[85] He repeated Coase's example of the smoke-producing factory that damages the wheat crop of local farmers.

> For example, if we assume that the cost of factory smoke which destroys neighboring farmers' wheat can be avoided more cheaply by a smoke control device than by growing a smoke resistant wheat, then, even if the loss is left on the farmers they will, under the assumptions made, pay the factory to install the smoke control device. This would, in the short run, result in more factories relative to farmers and lower relative farm output than if the liability rule had been reversed. But if, as a result of this liability rule, farm output is too low relative to factory output those who lose from this 'misallocation' would have every reason to bribe farmers to produce more and factories to produce less. The process would continue until no bargain could improve the allocation of resources.[86]

1. My Response to Calabresi

It sounds so precise, so logical. It also sounds crazy. Here is why it really is crazy. *First*, there are always transaction costs in life. To begin with any other assumption is to begin with utopianism. It makes as much sense as beginning with the assumption of the omniscience of the participants in exchange, which is another familiar assumption in almost all modern economic thought, especially in the professional journals. Without this theoretical ideal of omniscience, economic theory would have no formulas and equations, and professional economists would rather die than give up their formulas and equations. The epistemological problem is this: once the theoretical model is formulated in terms of a hypothetical set of assumptions that cannot exist in the real world, it takes an act of will for the economist to bring the model to bear on real-world problems without importing radical utopianism into his analysis. The debate over the Coase theorem is in my view the classic recent example of an unsuccessful attempt by economists to discard an economic model's utopian initial assumptions, yet still retain it for analytic purposes.[87] That it should

85. Guido Calabresi, "Transaction Costs, Resource Allocation and Liability Rules–A Comment," *Journal of Law and Economics*, XI (April 1968), p. 67.

86. *Ibid.*, pp. 67–68.

87. Calabresi wrote: "Thus, if one assumes rationality, no transaction costs, and no legal impediments to bargaining, *all* misallocations of resources would be fully cured in the market by bargains. Far from being surprising, this statement is tautological, at least if one accepts any of the various classic definitions of misallocation. These ultimately come down to a statement akin to the following: A misallocation exists when

be taken seriously by most economists is evidence of the theoretical bankruptcy of modern economics.

Second, the allocation problem and its solutions are not primarily technical and empirical problems but rather ethical and epistemological. Calabresi posed the problem, and then answered it (as Chicago School economists usually do) in terms of the least costly technical solution, not in terms of any visible ethical principle. "The primary implication is that problems of misallocation of resources and externalities are not theoretical but empirical ones. The resource allocation aim is to approximate, both closely and cheaply, the result the market would bring about if bargaining actually were costless."[88] In other words, the civil judge must to pretend that he can approximate the allocation that a free market would produce, if free markets were costless. This, it should be mentioned, is a denial of the most important of all theorems in economics: scarcity. A civil judge capable of completing this assigned task would be a scarce resource indeed! Of course, he would possess this great advantage: because the initial limiting condition is impossible—zero transaction costs—nobody could produce a model that could prove that his allocation is off the mark.

How would this utopian task best be accomplished? Calabresi combined the false precision of the economist with the real obfuscation of the lawyer in order to produce this problematical conclusion: "This question depends in large part on the relative *cost* of reaching the correct result by each of these means (an empirical problem which probably could be resolved, at least approximately, in most instances), and the relative *chances* of reaching a widely *wrong* result depending on the method used (also an empirical problem but one as to which it is hard to get other than 'guess' type data). The resolution of these two problems and their interplay is *the* problem of accomplishing optimal resource allocations."[89] It surely is!

there is available a possible reallocation in which all those who would lose from the reallocation could be fully compensated by those who would gain, and, at the end of this compensation process, there would still be some who would be better off than before." *Ibid*., p. 68. This is one more application of Pareto's optimality theorem, perhaps the most non-optimal and misleading idea ever to get into the literature of economics. It is conceptually a dead end; it is also quite popular. I agree with Lutz and Lux: if it were buried forever, we could place a tombstone over it bearing these words: "Everybody has been made better off and nobody worse off." Mark A. Lutz and Kenneth Lux, *The Challenge of Humanistic Economics* (Menlo Park, California: Benjamin/Cummings, 1979), p. 101. Chapter 5 of their book is delightful: "The New Welfare Economics: Value-Free or Value-Less?" Sadly, almost no one has ever heard of this book.

88. *Ibid*., p. 69.

89. *Idem*.

So, the allocation problem for welfare economics is merely an empirical problem. But this so-called empirical problem cannot be solved scientifically, logically, or technically, for there is no way for the scientific economist to deal with the key epistemological problem: the impossibility of making scientific interpersonal comparisons of subjective utility. Yet the Chicago School economists babble on in their journals as if more precise measurements could somehow solve what they admit is *the* allocation problem. It is as if a gunnery sergeant were attempting to hit a target at the edge of the universe by adding just a bit more gunpowder to the load. It is simply a technical problem, you understand. It is as if a sprinter were trying to reduce his time in the 100-meter race to one second flat by shaving a tenth of a second off his time in each preliminary heat. It is an empirical problem, you understand. If he could just get better shoes or a track with better traction!

Calabresi knew all this. He acknowledged that the decision that a judge would reach if the transactions were costless is an "unreachable goal."[90] He also acknowledged that "the gains which reaching nearer the goal would bring are not usually subject to precise definition or quantification. They are, in fact, largely defined by guesses. As a result, the question of whether a given law is worth its costs (in terms of better resource allocation) is rarely susceptible to empirical proof. . . . It is precisely the province of good government to make guesses as to what laws are likely to be worth their costs. Hopefully it will use what empirical information is available and seek to develop empirical information which is not currently available (how much information is worth *its* costs is also a question, however). But there is no reason to assume that in the absence of conclusive information no government action is better than some action."[91]

Please get his argument clear in your mind: welfare economics is essentially an empirical science, except that empiricism cannot really solve the issues of welfare economics, so the state will have to decide what is the appropriate allocation of resources, but economists nevertheless hope that the bureaucrats will use empiricism as the means of finding solutions to the specific allocation problems, though only an economically efficient quantity and quality of empiricism should be purchased. In any case, the state's decision will necessarily be based primarily on guesswork—guesswork that cannot be verified or disproved scientifically.

90. *Idem*.
91. *Ibid*., pp. 69–70.

If this explanation resembles a walk through a hall of mirrors, that is because it *is* a hall of mirrors. Yet virtually all essays in welfare economics are little more than guided tours through this conceptual hall of mirrors. The allocation problem of welfare economics cannot be solved by humanist economics, for the economists are overcome by a series of antinomies: the subjective-objective dualism, the individual-society dualism, the problem of fixed law and the endless flux of circumstances, and the overwhelming and unanswered problem of interpersonal comparisons of subjective utility. It is all premised on this formula: *dialectics plus intuition equals cost-effective justice*. This formula does not produce anything except additional scholarly articles for professors' vitae—in short, negative social returns.

Third, and far more important for social analysis, there would be a sense of outrage among the victims of the polluting factory if there were no state-enforced liability rules. The initial reaction of one of the victims, if he knows that the civil law does not protect his ownership rights automatically, may be to blow up the factory or murder its owner. The multiplication of acts of violence would be assured under such a non-liability legal order. *The issue of economic efficiency therefore cannot be separated from the issue of judicial equity*. This is what Chicago School economists and legal theorists never show any signs of understanding. When righteous men are thwarted in their just cause by seekers of local "efficiency" who care nothing about the ethics of the solution, there will be serious social consequences. To discuss the efficiency of any given transaction without also discussing the equity of it is to begin to deliver the society into the hands of socialist revolutionaries. Or, to put it in language more familiar to Chicago School economists, *penalizing righteousness in the name of economic efficiency is not a zero-cost decision*.

2. Micro-Efficiency and Macro-Revolution

It is not possible to discover an economically efficient solution to just one transaction. We cannot be efficient in just one pricedure. The question of efficiency is not simply a microeconomic issue; it is also macroeconomic. We cannot discover an efficient solution to any economic problem that does not in some way affect the whole social order. In short, *we cannot do just one thing efficiently*. The system of justice that governs any social order is itself a producer or reducer of both macro-efficiency and micro-efficiency. *Equity cannot be segregated from efficiency*. If our supposedly economically efficient

decision at the micro level calls into question the moral integrity of the prevailing legal system, we have not in fact reached an efficient solution to our micro problem. This is why it is astonishing to find economist and Talmudist Aaron Levine siding with Coase: "While the principle of equity is promoted by the selection of appropriate liability rules, economic efficiency is realized when the negative externality is eliminated by the *least-cost* method. Hence, should it be less costly to avoid crop damage by growing smoke-resistant wheat than by installing a smoke-control device, the former method should be adopted. Whether the farmer or the factory-owner should bear the additional expense of eliminating the negative externality is entirely irrelevant as far as the efficiency question is concerned."[92] Charge the farmers for the cost of the factory's smoke abatement, and you have violated the principle of justice that governs Exodus 22:5–6. There will eventually be negative repercussions, whether economists believe in God or not.

These economists are anarchists who are brandishing equations rather than bombs. The reductionism of economic logic, even without the equations, has become so great that it has just about eliminated the real-world relevance of the academic discipline of economics, especially its academic journals. That which is obvious escapes these people. They speak of a world of zero transaction costs and zero rules establishing legal liability as if it would not be a world of turmoil, unpredictability, and violence. *It is the establishment of liability rules that makes civil order possible.* Social order is clearly too important a matter to be left in the hands of economists, even Chicago School economists.

I. Rothbard's Critique: Pure Subjectivism

One economist who saw at least some of the implications of Coase's position was Murray Rothbard. Rothbard very early recognized the reality of Robbins' complaint against Pigou, namely, that there can be no scientifically valid interpersonal comparisons of subjective utility.[93] He wrote a critique of the Coase theorem. It underscores some of the points I raised in the original draft of this essay, but before I discovered Rothbard's 1982 essay. He went to the full logical conclu-

92. Levine, *Free Enterprise and Jewish Law*, p. 59.

93. Rothbard, "Toward a Reconstruction of Utility and Welfare Economics," in Mary Sennholz (ed.), *On Freedom and Free Enterprise: Essays in Honor of Ludwig von Mises* (Princeton, New Jersey: Van Nostrand, 1956).

sion of the subjectivist school, namely, that *there can be no such thing as social cost*—not simply that economists cannot measure it, but that it does not exist as a category of economics.[94]

He discussed Coase's example of a farmer whose orchard is burned by sparks emitted by a passing train. His analysis focuses on the farmer's subjective costs that are imposed by the railroad's aggression. Should the state solve this dispute by forcing the railroad to pay the farmer the market value of the lost trees?

> There are many problems with this [Coase's] theory. First, income and wealth are important *to the parties involved*, although they might not be to uninvolved economists. It makes a great deal of difference to both of them who has to pay whom. Second, this thesis works only if we deliberately ignore psychological factors. Costs are not only monetary. The farmer might well have an attachment to the orchard far beyond the monetary damage. Therefore, the orchard might be worth far more to him than the $100,000 in damages. . . .
>
> The love of the farmer for his orchard is part of a larger difficulty for the Coase-Demsetz doctrine: Costs are purely subjective and not measurable in monetary terms. Coase and Demsetz have a proviso in their indifference thesis that all "transaction costs" be zero. If they are not, then they advocate allocating the property rights to whichever route entails minimum social transaction costs. But once we understand that costs are subjective to each individual and therefore unmeasurable, we see that costs cannot be added up. But if all costs, including transaction costs, cannot be added, then there is no such thing as "social transaction costs," and they cannot be compared. . . .
>
> Another serious problem with the Coase-Demsetz approach is that pretending to be value-free, they in reality import the ethical norm of "efficiency," and assert that property rights should be assigned on the basis of such efficiency. But even if the concept of social efficiency were meaningful, they don't answer the questions of why efficiency should be the overriding consideration in establishing legal principles or why externalities should be internalized above all other considerations.[95]

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94. The Christian economist must reject this thesis. There are indeed social costs and social benefits. This is one reason why the Bible can and does specify certain social policies. They are beneficial for the covenanted community. But Rothbard's logic is correct: in terms of the presuppositions of modern, subjectivist economics, there is no way to add up subjective costs or benefits. In fact, if the economist were really rigorous, he would admit that this conclusion applies even to the measurement of intrapersonal subjective utilities, since such measurements takes place over time, and therefore we again confront that old nemesis, the index number of satisfaction—an impossibility, given the premises of subjective utility. There has been such an economist: G. L. S. Shackle. He had a disciple: Ludwig Lachmann.

95. Rothbard, "Law, Property Rights, and Air Pollution," *Cato Journal*, II (Spring 1982), pp. 58–59.

1. Rothbard vs. the Idea of Efficiency

In an earlier essay, Rothbard presented perhaps the most comprehensive challenge to the whole economics profession that has ever been written. The reason why I quote him at length is that he is a very clear writer, and he was willing to follow the logic of subjectivist economics to great lengths—not to a biblical reconciliation of objective and subjective value, but at least to the far extremes of subjectivism. In a remarkable essay, "The Myth of Efficiency," Rothbard rejected not only social costs but the idea of efficiency—an idea second only to the idea of scarcity in the free market economist's lexicon.

> . . . there are several layers of grave fallacy involved in the very concept of efficiency as applied to social institutions or policies: (1) the problem is not only in specifying ends but also in deciding *whose* ends are to be pursued; (2) individual ends are bound to conflict, and therefore any additive concept of social efficiency is meaningless; and (3) even each individual's actions cannot be assumed to be "efficient"; indeed, they undoubtedly will not be. Hence, efficiency is an erroneous concept even when applied to each individual's actions directed toward his ends; it is a fortiori a meaningless concept when it includes more than one individual, let alone an entire society.
>
> Let us take a given individual. Since his own ends are clearly given and he acts to pursue them, surely at least *his* actions can be considered efficient? But no, they may not, for in order for him to act efficiently, he would have to possess perfect knowledge—perfect knowledge of the best technology, of future actions and reactions by other people, and of future natural events. But since no one can ever have perfect knowledge of the future, no one's action can be called "efficient." We live in a world of uncertainty. Efficiency is therefore a chimera.
>
> Put another way, action is a learning process. As the individual acts to achieve his ends, he learns and becomes more proficient about how to pursue them. But in that case, of course, his actions cannot have been efficient from the start—or even from the end—of his actions, since perfect knowledge is never achieved, and there is always more to learn.
>
> Moreover, the individual's ends are not *really* given, for there is no reason to assume that they are set in concrete for all time. As the individual learns more about the world, about nature and about other people, his values and goals are bound to change. The individual's ends will change as he learns from other people; they may also change out of sheer caprice. But if ends change in the course of an action, the concept of efficiency—which can only be defined as the best combination of means in pursuit of given ends—again becomes meaningless.[96]

96. Murray N. Rothbard, "Comment: The Myth of Efficiency," in Mario J. Rizzo (ed.), *Time, Uncertainty, and Disequilibrium*, p. 90.

Two comments are in order. *First*, we can perceive here the whole corpus of economics steadily slipping through our fingers. If the question of efficiency is meaningless, what have economists been arguing about over the last three centuries? An illusion? The answer must be *yes*, if we hold to a rigorously subjectivist epistemology. Rothbard went on: "Not only is 'efficiency' a myth, then, but so too is any concept of social or additive cost, or even an objectively determinable cost for each individual. But if cost is individual, ephemeral, and purely subjective, then it follows that no policy conclusions, including conclusions about law, can be derived from or even make use of such a concept. There can be no valid or meaningful cost-benefit analysis of political or legal decisions or institutions."[97] Rothbard demonstrated the intellectual courage to affirm the validity of the implications that Roy Harrod used to frighten Lionel Robbins away from his own denial of the possibility of making interpersonal comparisons of subjective utility. He denied the possibility of policy-making based on economics.

2. The Problem of Exhaustive Knowledge

Second, we discover in Rothbard's arguments against the concept of efficiency an argument based on the impossibility of using a concept which is only meaningful in an imaginary changeless world. This is a variation of an antinomy (logical contradiction) of humanism that Cornelius Van Til pointed to in several contexts, namely, that for the anti-theist, it is necessary to know everything exhaustively in order to know anything specifically. The heart of the problem, Van Til said, is that *there is no way for the anti-theist to integrate his timeless model of reality to the ceaseless flux of historical change*.

In contrast to the humanists, Van Til argued, Christians have God's revelation of Himself and His creation to guide them in making sense of this world, and

> it is only by stressing the comprehensiveness and the inexhaustible character of the idea of revelation that the process of learning can have meaning and history have genuine significance. If man is made the final reference point in predication, knowledge cannot get under way, and if it could get under way it could not move forward. That is to say, in all non-Christian forms of epistemology there is first the idea that to be understood a fact must be understood exhaustively. It must be reducible to a part of a system of timeless logic. But man himself and the facts of his experience are

97. *Ibid*., p. 94.

> subject to change. How is he ever to find within himself an a priori resting point? He himself is on the move.... Every effort of man to find one spot that he can exhaustively understand either in the world of fact about him or in the world of experience within, is doomed to failure. If we do not with Calvin presuppose the self-contained God back of the self-conscious act of the knowing mind of man, we are doomed to be lost in an endless and bottomless flux.[98]

The economist faces this problem continually; it cannot be overcome logically. Because the Austrian School of economics focuses above all on two fundamental questions—subjective knowledge (e.g., valuations) and purposeful human action (e.g., the market process over time)—Austrian School economists have devoted more space than most economists to discussions of the interrelations between historical change and economic knowledge. Members of the Austrian School understand that the model used to undergird all modern economic theory, namely, the general equilibrium model, hypothesizes a world of perfect foreknowledge, and therefore zero uncertainty, a world in which human action cannot even be conceived.[99] As Mario Rizzo put it, "general equilibrium exists in the mind of the economist and not in the real world."[100] Rothbard agreed: "...not only has it never existed, and is not an operational concept, but also it could not conceivably exist. For we cannot really conceive of a world where every person has perfect foresight, and where no data ever change...."[101]

This raises a crucial problem for the economist: *the problem of objective cost*. Buchanan summarized this problem: "One of the central confusions leading to the false objectification of costs has been the extension of the perfect knowledge assumption of competitive equilibrium theory to the analysis of nonequilibrium choices, whether made in a market or nonmarket process. Genuine choice is confronted only in a world of uncertainty, and, of course, all economic choices are made in this context."[102] Take away equilibrium—from men's thinking, that is; it never has existed in the real world—and you thereby eliminate the economist's concept of objective cost. Eliminate the concept of objective cost, and you eliminate the possibility of scientifically valid poli-

98. Cornelius Van Til, *An Introduction to Systematic Theology,* vol. V of *In Defense of Biblical Christianity* (Phillipsburg, New Jersey: Presbyterian & Reformed, 1978), pp. 166–67.

99. Mises, *Human Action*, ch. 14:5. For my comments on Mises, see *Sovereignty and Dominion*, p. 449.

100. Mario J. Rizzo, "Uncertainty, Subjectivity, and the Economic Analysis of the Law," in Rizzo (ed.), *Time, Uncertainty*, p. 82.

101. *Ibid.*, p. 93. Cf. Buchanan, *Cost and Choice*, p. 98.

102. Buchanan, *Cost and Choice*, p. 98; cf. pp. 49–50.

cy-making by economists. Eliminate the concept of objective cost, and you also eliminate that trusty ideological weapon of most free market economists: the idea of the objective efficiency of the free market.

3. Efficiency for Whose Ends?

Here is the problem Rothbard was struggling with: How can we discuss the question of efficiency—the coherence of planning and action—in a context of *change*, both with respect to a man's plans and his environment which he attempts to change and yet also must respond to. Rothbard wanted to believe that he could appeal to what he called "proficiency" in learning, but his critique of efficiency applies equally well to proficiency. Why is human action a learning process? Why does anything we learned a decade, a year, or a moment ago still apply in the now-changed world of the present? Humanists have no answer to this fundamental question, at least none which is consistent with their epistemology of autonomous man.

Rothbard argued correctly that "efficiency only makes sense in regard to people's ends, and individuals' ends differ, clash, and conflict. The central question of politics then becomes: *whose* ends shall rule?"[103] He attacked all modern economists, including his mentor Mises, because modern economics is based on *utilitarianism*—"the greatest good for the greatest number"—a system of ethics which assumes that it is possible to make interpersonal comparisons of subjective utility. Utilitarianism ultimately asserts that there is a *universal common ethical system* and a *universal hierarchy of values*, for if there weren't, it would be impossible for social planners to devise and enforce social policies. "For utilitarianism holds that everyone's ends are *really* the same, and that therefore all social conflict is merely technical and pragmatic, and can be resolved once the appropriate means for the common ends are discovered and adopted. It is the myth of the common universal end that allows economists to believe that they can 'scientifically' and in a supposedly value-free manner prescribe what political policies should be adopted. By taking this alleged common universal end as an unquestioned given, the economist allows himself the delusion that he is not at all a moralist but only a strictly value-free and professional technician."[104]

Rothbard gave an example of the problem of social efficiency. What if one group in society wishes to exterminate all members of

103. Rothbard, "Comment," *Time, Uncertainty*, p. 91.

104. *Idem.*

a rival group? "In these cases of conflicting ends, furthermore, one group's 'efficiency' becomes another group's detriment. So that the advocates of a program—whether of compulsory uniformity or of slaughtering a defined social group—would want their proposals carried out as efficiently as possible; whereas, on the other hand, the oppressed group would hope for as *in*efficient a pursuit of the hated goal as possible. Efficiency, as Rizzo pointed out, can only be meaningful relative to a given goal. But if ends clash, the opposing group will favor maximum *in*efficiency in pursuit of the disliked goal. Efficiency, therefore, can never serve as a utilitarian touchstone for law or public policy."[105]

Rothbard's conclusion is extremely important for a study of Christian economics. By systematically destroying the epistemological foundation for efficiency as a concept of subjectivist economics, he was then faced with a major question: What is the proper foundation for social policy? As an anarchist, he did not believe in social policy, meaning a state-enforced policy. He wanted the free market's forces to arbitrate in deciding whose plans become dominant at any point in time. But even these plans cannot legitimately be based on questions of efficiency, as he well knew. He then called for a restructuring of economic thought—a reformation based on *ethics*.

> I conclude that we cannot decide on public policy, tort law, rights, or liabilities on the basis of efficiencies or minimizing of costs. But if not costs or efficiency, then what? The answer is that only ethi*cal principles* can serve as criteria for our decisions. Efficiency can never serve as the basis for ethics; on the contrary, ethics must be the guide and touchstone for any consideration of efficiency. Ethics is the primary. . . .
>
> One group of people will inevitably balk at our conclusion; I speak, of course, of the economists. For in this area economists have been long engaged in what George Stigler, in another context, has called "intellectual imperialism."[106] Economists will have to get used to the idea that not all of life can be encompassed by our own discipline. A painful lesson no doubt, but compensated by the knowledge that it may be good for our souls to realize our own limits—and, just perhaps, to learn about ethics and about justice.[107]

105. *Ibid.*, pp. 91–92.

106. Rothbard attributed the phrase to George Stigler, but Kenneth Boulding is better known for its use, by which he means "an attempt on the part of economics to take over all the other social sciences." Boulding, "Economics As A Moral Science," *American Economic Review*, LIX (March 1969), p. 8.

107. Rothbard, "Comment," p. 95. Rothbard was an advocate of a universal ethics based on natural rights. See *For a New Liberty: The Libertarian Manifest*o, 2nd ed. (Au-

This represents a major break from contemporary economics, even from Austrian School economics. Rothbard was no longer willing to affirm, as Mises the utilitarian affirmed, that "when the superior efficiency of economic freedom could no longer be questioned, social philosophy entered the scene and demolished the ideology of the status system."[108]

J. Methodology: Ethics vs. Efficiency

1. Rothbard vs. Mises

Rothbard's straightforward abandonment of the concept of efficiency, and his call to economists to examine ethics as the source of their policy judgments, are significant intellectual developments. They constitute an admission that there is something dangerously wrong with the economists' reliance on the rational model of equilibrium. If the idea of economic equilibrium cannot be relied upon to illuminate questions of economic efficiency, then in what way can it safely be used by economists? Rothbard called into question the most important intellectual and technical tool that the economist has at his disposal, the "ideal type" of the perfectly competitive economy.[109] Challenge this, and you challenge the epistemological foundation of economic science.

Yet it must be challenged. More than this: *it must be scrapped*. If economics is to be reconstructed in terms of biblical revelation, economists must at last see the implications of Van Til's rejection of metaphysics in favor of ethics. *The search for a timeless rational mental construct as the basis of a science of human action is fruitless.* Even the great

burn, Alabama: Mises Institute, [1973] 2006), pp. 4, 19, 31–33, 36, 42, 48–49. Not all "Austrians" share his confidence in natural rights and natural law as the basis of a universal ethics, as John Eggar pointed out: "Comment: Efficiency Is Not a Substitute for Ethics," in Rizzo (ed), *Time, Uncertainty*, p. 119. For critiques of natural law doctrines from a biblical viewpoint, see the essays by John Robbins, Rex Downie, and Archie Jones in *The Journal of Christian Reconstruction*, V (Summer 1978): "Symposium on Politics."

108. Ludwig von Mises, *The Ultimate Foundation of Economic Science* (Princeton, New Jersey: Van Nostrand, 1962), p. 109.

109. Perhaps the most influential explanation of the use of "ideal types" or hypothetical abstract models in the social sciences was offered by Max Weber. See Weber's book, *The Methodology of the Social Sciences*, translated and edited by Edward A. Shils and Henry A. Finch (New York: Free Press, 1949), pp. 43–45, 87–105. See also Thomas Burger, *Max Weber's Theory of Concept Formation: History, Laws and Ideal Types* (Durham, North Carolina: Duke University Press, 1976); Rolf E. Rogers, *Max Weber's Ideal Type Theory* (New York: Philosophical Library, 1969); Julien Freund, *The Sociology of Max Weber* (New York: Pantheon, 1968), pp. 59–70; Raymond Aron, "The Logic of the Social Sciences," in Denis Wrong (ed.), *Max Weber* (Englewood Cliffs, New Jersey: Prentice-Hall, 1970), pp. 80–89.

Mises was partially sidetracked by this quest. What confidence can we legitimately have in an explanation of market processes that argues that as entrepreneurship becomes successful, it "tends toward" the creation of a world in which human action and human choice is impossible, a world of automatons rather than people? Yet this is precisely the explanatory model used by Mises (and almost all other economists). As he said in *Human Action* concerning his theoretical construct, the Evenly Rotating Economy: "Action is change, and change is the temporal sequence. But in the evenly rotating economy change and succession of events are eliminated. Action is to make choices and to cope with an uncertain future. But in the evenly rotating economy there is no choosing and the future is not uncertain as it does not differ from the present known state. Such a rigid system is not peopled with living men making choices and liable to error; it is a world of soulless unthinking automatons; it is not a human society, it is an ant hill."[110] Nevertheless, he stated flatly: "The theorems implied in the notion of the plain state of rest are valid with regard to all transactions without exception."[111] For the modern economist, all human action tends toward a final state in which human beings become omniscient and therefore take on one of the attributes of God.[112] The problem is, their view of God is that He could not possibly act if He existed. He would be a "rule-following automaton,"[113] because "A perfect being would not act."[114]

2. Timeless Metaphysical Models

Mises relied on this limiting concept of a hypothetical economy filled with soulless people in order to explain the operations of real world market forces. "This final state of rest is an imaginary construction, not a description of reality. For the final state of rest will never be attained. New disturbing factors will emerge before it will be realized. What makes it necessary to take recourse to this imaginary construction is the fact that the market at every instant is moving toward a final state of rest."[115] He called this movement toward (or "tendency

110. Mises, *Human Action*, p. 249.

111. *Ibid.*, p. 246.

112. Mises wrote: "No matter whether this thirsting after omniscience can ever be fully gratified or not, man will not cease to strive after it passionately." Mises, *Ultimate Foundation*, p. 120.

113. Buchanan, *Cost and Choice*, p. 96.

114. Mises, *Epistemological Problems of Economics*, 3rd ed. (Auburn, Alabama: Mises Institute, [1960] 2003), p. 25. Cf. Mises, *Ultimate Foundations*, p. 3.

115. *Idem.*

toward") a final state of rest a *fact*. But this "fact" is precisely what must be demonstrated. It is the ancient pre-Socratic contradiction between Parmenides' changeless logic and Heraclitus' ceaseless flow. These two worlds cannot be shown to be connected; they are, however, correlative in the thinking of humanistic scholars.

To explain this intellectual dilemma, Van Til used the delightful analogy of someone who is trying to put together a string of beads, but the string is infinitely long, and the beads have no holes. The imaginary world of timeless logic (Van Til's "string"), which cannot possibly exist, serves as the *limiting concept* (to use Kant's terminology for the "noumenal"),[116] or *limiting notion* (to use Mises' term)[117] for our understanding of the world which does exist—the world of ceaseless flux (Van Til's "beads"). This world of timeless logic is, in short, a logical backdrop which cannot ever exist in the real world—and which really cannot even be mentally conceived[118]—which is used to explain the world inhabited by men.

Nevertheless, with absolute confidence (even "apodictic certainty," one of Mises' favorite terms), Mises proclaimed that "These insoluble contradictions, however, do not affect the service which this imaginary construction renders. . . ."[119] Or, even more forcefully: "Even imaginary constructions which are inconceivable, self-contradictory, or unrealizable can render useful, even indispensable services in the comprehension of reality, provided the economist knows how to use them properly."[120] That word, "provided," covers a multitude of epistemological sins. So does the word "properly."

Anyone who has ever tried to read an article in such journals as *Econometrica* and *The Review of Economics and Statistics* knows how rari-

116. Immanuel Kant, *Critique of Pure Reason*, trans. Norman Kemp Smith (New York: St. Martin's, [1929] 1965), B311, p. 272.

117. *Human Action*, p. 250.

118. How can we imagine a world in which every actor has perfect foreknowledge? Try to explain the meaning of human choice in a world in which everyone knows in advance precisely what the others will inevitably do in the future. We may take such a world on faith; we cannot explain it.

119. *Ibid.*, p. 248. He wrote: "The method of imaginary constructions is indispensable for praxeology [the science of human action—G.N.]; it is the only method of praxeological and economic inquiry. It is, to be sure, a method difficult to handle because it can easily result in fallacious syllogisms. It leads along a sharp edge; on both sides yawns the chasm of absurdity and nonsense. Only merciless self-criticism can prevent a man from falling headlong into these abysmal depths." *Ibid.*, p. 237. Question: Self-criticism in terms of what truth, or by what standard? For a critique of this position, see North, *Sovereignty and Dominion*, pp. 449–50.

120. *Ibid.*, p. 236.

fied economic logic can become.[121] It reminds me of what little I know about the formal academic debates carried on by the late medieval scholastics. The number of angels dancing on the point of a needle is a down-to-earth problem compared to stochastic analysis applied to a world of perfect foreknowledge. The *sophistication* of modern econometric analysis is matched ("correlation of at least .9") only by the *irrelevance* of its conclusions.

3. The Mathematical Games Economists Play

The non-mathematical economist John Kenneth Galbraith, who was formerly the president of the American Economics Association, exposed the way the game is played, at least in the so-called "general" economics scholarly journals, which are very nearly as unreadable as *Econometrica*. The fact is, hardly anyone in the profession actually reads the highly mathematical essays. "The layman may take comfort from the fact that the most esoteric of this material is not read by other economists or even by the editors who publish it. In the economics profession the editorship of a learned journal not specialized to econometrics or mathematical statistics is a position of only moderate prestige. It is accepted, moreover, that the editor must have a certain measure of practical judgment. This means that he is usually unable to read the most prestigious contributions which, nonetheless, he must publish. So it is the practice of the editor to associate with himself a mathematical curate who passes on this part of the work and whose word he takes. A certain embarrassed silence covers the arrangement."[122]

From time to time, prestigious economists protest. Paul Samuelson, perhaps the most prestigious of all American economists, 1950–80, and a founder of the highly mathematical "neo-Keynesian synthesis," remarked in his presidential address to the American Economics Association that the three previous presidents had all criticized the excessive use of mathematical economics, and that the most hostile remarks had elicited a standing ovation of the audience.[123] But applause is one thing, and a change in habits is another. The professional journals are still mostly exercises in mathematics. Why?

121. I do not have in mind merely the writings of Nobel Prize-winning economist Gerard Debreu, which do not pretend to deal with the real world. I have in mind investigations into the operation of real-world institutions, such as William S. Landes, "An Economic Analysis of the Courts," *Journal of Law and Economics*, XIV (April 1971), pp. 61–107.

122. John Kenneth Galbraith, *Economics Peace and Laughter* (New York: New American Library, 1972), p. 44n.

123. *Ibid*., p. 40.

One reason is the success of mathematics in the natural sciences—a correlation which, it should be noted, is so remarkable that there is no rational explanation for it, as a Nobel Prize-winner in physics noted.[124] There is also the quest for elegance. There is no doubt about it: a mathematical proof appears to be elegant in its precision and sparseness. The problem is, however, that this elegance has a high price attached to it: irrelevance in the real world. *The greater the precision, the greater the irrelevance*. Furthermore, most of the major advances in economic science since World War II have owed little to mathematical economics, including the Coase theorem.[125]

Galbraith offered another explanation: considerations of academic prestige.[126] Also, mathematical ability is used as a screening device within the profession, as Galbraith observed.[127] Screening by mathematics was actually recommended as a legitimate professional goal by Fritz Machlup, an economist who had been greatly influenced early in his career by Mises, and who was never known as a mathematical economist. He argued that proficiency in mathematics can overcome the inferiority complex of the social sciences.[128] Yet he also called the overuse of mathematics "mathematosis," and the assumption that science is primarily a matter of measurement, "metromania."[129]

The widespread use of mathematics is more than just a quest for prestige or a graduate school screening device. It is a *religious commitment* to the idea that metaphysics is more important than ethics. The use of mathematics in the development of the theoretical propositions of economics is an elegant, seemingly rigorous assertion of scientific man's neutrality, his "escape from ethics." God is to be banished from man's economic thinking through the use of simultaneous equations.[130]

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124. Eugene P. Wigner, "The Unreasonable Effectiveness of Mathematics in the Natural Sciences," *Communications in Pure and Applied Mathematics*, XIII (1960), pp. 1–14.

125. Alan Walters, "Frameworks for Thinking About Reality," *Cato Journal*, VII (Spring–Summer 1987), p. 72.

126. Galbraith, *op. cit*., pp. 41–42.

127. *Ibid*., p. 43.

128. Machlup recommended requiring higher mathematics for all economics students as a screening device. "Even if some of us think that one can study social sciences without knowing higher mathematics, we should insist on making calculus and mathematical statistics absolute requirements—as a device for keeping away the weakest students." Machlup, "Are the Social Sciences Really Inferior?" *Southern Economic Journal*, XXVII (Jan. 1961), p. 182. This was Machlup's presidential address.

129. Machlup, "The Inferiority Complex of the Social Sciences," in Mary Sennholz (ed.), *On Freedom and Free Enterprise*, p. 169.

130. Leon Walras, the Swiss economist, was the first economist to offer a comprehensive analysis of economic theory in terms of simultaneous equations (general equilibrium). He did so in 1871. Writing of the simultaneous discovery of subjective value

From the very beginning of modern economics in the seventeenth century, the use of hypothetically value-free arguments by economists has been viewed by them as a way to escape questions of right and wrong, of ethics. William Letwin, historian of this early period of economic thought, was correct when he wrote that "there can be no doubt that economic theory owes its present development to the fact that some men, in thinking of economic phenomena, forcefully suspended all judgments of theology, morality, and justice, were willing to consider the economy as nothing more than an intricate mechanism, refraining for the while from asking whether the mechanism worked for good or evil.... The economist's view of the world, which the public cannot yet comfortably stomach, was introduced by a remarkable *tour de force*, an intellectual revolution brought off in the seventeenth century."[131]

The problem with this reliance upon mathematics is that, by removing ethics, it removes responsibility. It removes choice. This has been the complaint of the Austrian School for many decades. Buchanan, more an Austrian than a Chicagoan on this point, argued that the reduction of economics to mathematics is the reduction of man to an automaton. For the Austrian, cost is subjective. "This gen-

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by Walras, William Stanley Jevons (England), and Carl Menger (Austria), Paul Samuelson wrote: "Jevons, Walras, and Menger each independently arrived at the so-called 'theory of subjective value.' And I consider it a lucky bonus for my present thesis that Menger did arrive at his formulation without the use of mathematics. But, in all fairness, I should point out that a recent rereading of the excellent English translation of Menger's 1871 work convinces me that it is the least important of the three works cited; and that its relative neglect by modern writers was not simply the result of bad luck or scholarly negligence. I should also add that the important revolution of the 1870s had little really to do with either subjective value and utility or with marginalism; rather it consisted of the perfecting of the general relations of supply and demand. It culminated in Walrasian general equilibrium. And we are forced to agree with Schumpeter's appraisal of Walras as the greatest of theorists—not because he used mathematics, since the methods used are really quite elementary—but because of the key importance of the concept of general equilibrium itself. We may say of Walras what Lagrange ironically said in praise of Newton: 'Newton was assuredly the man of genius *par excellence*, but we must agree that he was also the luckiest: one finds only once the system of the world to be established!' And how lucky he was that 'in his time the system of the world still remained to be discovered.' Substitute 'system of equilibrium' for 'system of the world' and Walras for Newton and the equation remains valid." Samuelson, "Economic Theory and Mathematics—An Appraisal," *American Economic Review*, XLII (May 1952), p. 61. Samuelson's appraisal concerning the importance of Walras vs. Menger is exactly the reverse of mine, and so is his appraisal of the comparative advantages of subjective value theory and marginalism vs. the concept of general equilibrium.

131. William Letwin, *The Origins of Scientific Economics* (Garden City, New York: Doubleday Anchor, [1963] 1965), pp. 158–59.

uine opportunity cost vanishes once a decision is taken. By relatively sharp contrast with this, in the pure science of economic behavior choice is itself illusory. In the abstract model, the behavior of the actor is predictable by an outside observer. This requires that some criteria be objectively measurable, and this objectivity is supplied when the motivational postulate is plugged into the model."[132] The scientific ideal of prediction runs head-on into the voluntarist's case for freedom. As Van Til described it, this is the Kantian ideal of science against the Kantian ideal of personality.[133] It is the mathematical ideal against the freedom ideal. It is the world of science against the world of purpose.[134] It is Kant's phenomenal against Kant's noumenal.[135] Ethical dualism once again raises its ugly, Janus-faced head.[136]

The Christian economist who acknowledges the validity of Van Til's epistemology (and who also understands its application)[137] sees no hope in the quest either for a rational ethics—an ethics supposedly derived from value-free presuppositions (which are mythical anyway)—or the quest for a reliable hypothetical mental construct which in any way relies on the idea of man, the omniscient. A wholly rational methodological construct along the lines of Parmenides' unchanging logic—with or without mathematics—is apostate man's attempt to find coherence in a changing world apart from God. General equilibrium theory cannot serve as a reliable "limiting concept" that will in turn serve as a basis for judging the performance of a real-world economy of change, responsible decision-making, and uncertainty. But it is understandable that apostate men wish to believe in the potency

132. James Buchanan, *What Should Economists Do?* (Indianapolis, Indiana: Liberty Press, 1979), p. 46.

133. Van Til, *The Doctrine of Scripture,* vol. 1 of *In Defense of Biblical Christianity* (Den Dulk Foundation, 1967), pp. 97–98.

134. Van Til, *The Case for Calvinism* (Nutley, New Jersey: Craig Press, 1964), p. 81.

135. *Ibid*., p. 89.

136. Wrote philosopher Richard Kroner: "The mutual dependence of subjectivity and objectivity rests upon the split of man's consciousness into the consciousness of nature, i.e., the objective world and the consciousness of his own self and the realm of persons. It is because of morality and freedom that this split cannot and must not be overcome. The duality of science and action must be preserved at all costs." Kroner, *Kant's Weltanschauung* (Chicago: University of Chicago Press, [1914] 1956), p. 75.

137. I do not think that Douglas Vickers, a Keynesian economist who claimed to follow Van Til's epistemology, understood Van Til's writings or their proper application in the discipline of economics. See his book, *A Christian Approach to Economics and the Cultural Tradition* (New York: Exposition Press, 1982), a follow-up to his earlier book, *Economics and Man* (Nutley, New Jersey: Craig Press, 1976). For a critique of Vickers, see Ian Hodge, *Baptized Inflation: A Critique of "Christian" Keynesianism* (Tyler, Texas: Institute for Christian Economics, 1986).

of such an intellectual tool. As Ludwig Lachmann wrote as early as 1943: "Economists, not unnaturally, prefer to do their fieldwork in a pleasant green valley where the population register is exhaustive and everybody is known to live on either the right or the left side of an equation. Only on rare occasions—and scarcely ever of their own free will—do they embark on excursions into the rough uplands of the World of Change to chart the country and to record the folkways of its savage inhabitants; whence they return with grim tales of horror and frustration."[138]

K. A Permanent Ethical Model

In contrast to economic models that are supposedly timeless abstractions from the flux of human existence, God offers His law. This ethical law-order was designed by God to govern His creation. His ethical precepts were given to man as a means of subduing reality, including man himself. A perfect man, Jesus Christ, walked the earth and lived His life in terms of this revealed law. God's law is therefore not strictly "otherworldly," in the sense of applying only to a world beyond the human action, nor is it strictly "this-worldly," in the sense of being the product of human speculation. It is supernatural, yet delivered through revelation by God to mankind. It stands as both an ethical foundation of human action and as a tool of dominion. It explains the operations of the world to us, and it gives us power to exercise dominion over the creation.

138. L. M. Lachmann, "The Role of Expectations in Economics as a Social Science," *Economica*, New Series, Vol. X (February 1943), p. 16. Lachmann was the Austrian School economist who was insistent on the danger of relying heavily on general equilibrium models. "Such smooth transition from one equilibrium (long-run or short-run) to another virtually bars not only discussion of the process in which we are interested here, but of all true economic processes.... And all too soon we shall also allow ourselves to forget that what is of real economic interest are not the equilibria, even if they exist, which is in any case doubtful, but what happens between them." Lachmann, "The Market Economy and the Distribution of Wealth," in Mary Sennholz (ed.), *On Freedom and Free Enterprise*, p. 186. Lachmann's expressed hope in 1956 has not come true—in fact, the reverse has taken place: "It is very much to be hoped that economists in the future will show themselves less inclined than they have been in the past to look for ready-made, but spurious, coherence, and that they will take a greater interest in the variety of ways in which the human mind in action produces coherence out of an initially incoherent situation" (p. 187). Nevertheless, his Kantian individualism, with the human mind serving as the entrepreneurial provider of coherence to an incoherent world, was as impotent to deal epistemologically with the realities of God's creation as are the defenders of general equilibrium theory.

1. Sanctification: Three Steps

We say that an individual is saved through God's imputation (judicial declaration) of Christ's righteousness to a sinner. This is called *justification*. It is a judicial act, God's declaration of "not guilty" by reason of the penalty which was paid by Jesus Christ. But this judicial act also has moral effects. God simultaneously *sanctifies* a person—sets him apart ethically or morally—in a *definitive* way at the moment of his regeneration. Christ's righteousness is attributed to him as a whole, perfectly. But this definitive sanctification is to serve as the foundation of his *progressive* sanctification over time. He is to conform himself to Christ's perfect humanity through progressively adhering to God's law (through God's grace, of course). Then, on the day of final judgment, redeemed man will attain *final* sanctification—the perfect overcoming of evil. Each redeemed man finally attains the status of perfection which was implicit at the moment of his regeneration. This threefold aspect of moral sanctification—definitive, progressive, and final—is the basis of ethical progress of both the individual and of a civilization.[139]

What has not been understood by Christian social thinkers in the past, or at least not explicitly discussed, is that this same pattern of personal sanctification—definitive, progressive, and final—also applies to social organizations whose members have covenanted with God. There is the inescapable original covenant between God and Adam and Eve, which all institutions have violated in the original rebellion of Adam. There are also explicitly covenanted institutions that have been established by self-consciously regenerate believers. The most common examples are the family and the historical church. The same analysis applies also to contractual (though not covenantal)[140] institutions such as schools, businesses, and all other institutions that have been explicitly begun in terms of biblical morality. The perfection of Christ is *comprehensive perfection*. The salvation that He offers is *comprehensive salvation*.[141] It affects every institution. In other words, it affects every area of life in which men have responsibility.

139. Gary North, *Unconditional Surrender: God's Program for Victory*, 5th ed. (Powder Springs, Georgia: American Vision Press, [1980] 2010), ch. 2:D:2; ch. 3:C.

140. The presence of a self-maledictory oath under God identifies a covenantal institution: church, state, or family. There is no such oath in a contract.

141. Gary North, "Comprehensive Redemption: A Theology of Social Action," in *Journal of Christian Reconstruction*, VIII (Summer 1981). Reprinted in Gary North, *Is the World Running Down? Crisis in the Christian Worldview* (Tyler, Texas: Institute for Christian Economics, 1988), Appendix C.

Institutions such as churches and nations are definitively, progressively, and finally *judged* in history. On what basis? On the basis of God's law. Societies usually refuse to adopt an explicit covenant with God, or if they do, they later break it and fail to ask for its restoration. In both cases, they are judged in history. But if some social organizations are judged in history, isn't it equally true that others are blessed by God in history? The obvious example is the historical church. Isn't it blessed in history? Of course. On what basis? On the basis of its covenant with God, which includes permanent standards of ethical performance: biblical law. The church historical has been sanctified by God, i.e., set apart morally for His purposes. Therefore, we should conclude that certain social institutions in history have also been definitively sanctified, progressively sanctified, and will be finally sanctified at the day of judgment. Without this three-fold model of sanctification, how else could we argue for the continuing and guaranteed existence of the institutional church as a covenantal institution throughout history?

Jesus' perfect fulfilling of the law has effects in history. These effects are personal, but they are also institutional, since institutions, as well as individuals, are under the terms of the covenant. They develop or contract, are blessed or cursed, in terms of the specific terms of God's covenant, which are revealed in biblical law. Institutions, like individuals, cannot "earn" their salvation. They are granted their salvation, or healing, by the grace of God. Men covenant together to perform certain works, and God imputes the moral perfection and moral *accomplishments* of Jesus Christ to these newly covenanted institutions. How else can we explain the success or failure of families? How else can we explain why God visits the iniquity of certain families onto the members of the third and fourth generations (Ex. 20:5)? People make explicit covenants with God or rebel against His implicit covenants, such as the dominion covenant given to all men through our parents, Adam and Eve, and again with our other parents, Noah and his family. They succeed or fail in terms of *covenantal moral standards*. They advance or fall away in time, they grow or decay, *progressively* over time. This process is *ethical* and *covenantal*, not biological.

2. Providential Covenantalism

Here is the biblical solution of the question of social change. Here also is the biblical solution to the dualisms of metaphysical specula-

tion: statics vs. dynamics. Deuteronomy 28, with its covenantal structure of social blessings and cursings, is the *ethical* standard for social science, including economics. This is the biblical alternative to the timeless world of general equilibrium theory, "peopled" with inhuman omniscient beings, passively responding to their nearly infinite number of simultaneous equations. The real world of scarcity, uncertainty, and time is not a world of meaningless flux, but is instead a *providential world*, personally governed by a changeless God who has issued His sovereign decree.[142] The operational link between ethics and social change is *biblical law*. The personal link is Jesus Christ, the perfect man and simultaneously the divine Person who created this world.

Man, created in God's image, has access to knowledge, including economic knowledge, through revelation, both "natural" and "personally revealed." Both kinds of revelation are inescapably personal. Van Til called this Christian-theistic ethics. Correct knowledge of the way the world works comes only from God's revelation of Himself and His law in the Bible. "The distinction between revealed and natural theology as ordinarily understood readily gives rise to a misunderstanding. It seems to indicate that man, though he is a sinner, can have certain true knowledge of God from nature but that for higher things he requires revelation. This is incorrect. It is true that we should make our theology and our ethics wide enough to include man's moral relationship to the whole universe. But it is not true that any ethical question that deals with man's place in nature can be interpreted rightly without the light of Scripture. For these reasons we prefer the name Christian-theistic ethics."[143]

This view of man's knowledge is denied by all humanistic scholarship, and also by most forms of Christian scholarship. Christian apologetics has been corrupted by a Greek concept of autonomous knowledge from the days of the early church fathers.[144] When Christians at last abandon this view of natural revelation, a paradigm shift of monumental proportions will take place that will transform the church, and then will transform the world.

L. Inefficient Humanism

The humanistic economist, like scientists of all kinds, rejects a biblical resolution of the "law-flux" problem. Most economists appeal "scien-

142. North, *Sovereignty and Dominion*, ch. 1: "Cosmic Personalism."
143. Van Til, *Christian Theistic Ethics*, p. 16.
144. Van Til, *Christianity in Conflict* (Philadelphia: Westminster Seminary, 1962).

tifically" to mechanistic explanations of human action. There are a few notable exceptions, but they are humanistic John the Baptists, crying in the epistemological wilderness.[145] Far more typical is Stephen Cheung, a rigorously empirical economist, and a rigorously naive technician, who titled his book, *The Myth of Social Cost*. The book is almost as mythical epistemologically as Coase's original essay. He argued that there is no theoretical barrier against making scientifically valid economic settlements where pollution is involved. He admitted that abstracting from transaction costs does lead to problems. "The important conclusion is that the *solution becomes mechanical once the nature and magnitude of transaction costs, together with other constraints, are sufficiently specified*."[146] He italicized his words, so he must have regarded them as significant.

What we can and must say, contrary to Professor Cheung, is that *no solution in economics is ever mechanical,* because all solutions involve comparisons of subjective value—*inter*personal in the same period of time or across time, or *intra*personal across time.[147] Admit this, and Galbraith's conclusion is inescapable: "In the name of good scientific method he [the economist] is prevented from saying anything."[148] Thus, the economist is living in an epistemological dream world, a world of hypothetical scientific neutrality, complex formulas, mathematics, and (usually) taxpayer-financed salaries.

Neutrality is the essence of what we might call "economic formalism." Pro-free market economists continually appeal to *efficiency apart from equity*. How can we maximize value, they ask, *questions of equity apart*? This is the perhaps the major persuasion problem that pro-free

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145. For example, Prof. Kenneth Boulding. See his presidential address to the American Economics Association, "Economics As A Moral Science," *American Economic Review*, LIX (March 1969).

146. Steven N. S. Cheung, *The Myth of Social Cost* (San Francisco: Cato Institute, [1978] 1980), p. 31.

147. On this point—which utterly devastates all humanistic economics, including Austrian subjectivism—see G. L. S. Shackle, *Time in Economics* (Amsterdam: North Holland Pub. Co., 1958), lecture 1; cf. "The Complex Nature of Time as a Concept in Economics," *Economica Internazionale*, VIII, No. 4. Shackle pushed the logic of pure subjectivism, pure solipsism, and pure autonomy to a preposterous but consistent conclusion: every point in time is unique, incomparable, and autonomous. He called it the "moment-in-being." For an attempted refutation which fails, see Ludwig Lachmann, *Capital, Expectations, and the Market Process* (Kansas City, Kansas: Sheed Andrews and McMeel, 1977), pp. 81–86. Lachmann fell back on the epistemologically hopeless concept of "common experience" to escape Shackle's logic: p. 86. The result of this epistemology is nihilism, or as Lachmann called it, kaleidic.

148. John Kenneth Galbraith, *The Affluent Society* (Boston: Houghton Mifflin, 1958), p. 150.

market defenders have: how to overcome the objections of socialists and other critics of the free market, who point to questions of equity and fairness as the crucial ones, rather than questions of efficiency. Until the fall of the Soviet Union in 1991, the free market's defenders failed to convince the socialists and ethicists that the benefits of economic efficiency are greater than the social and personal costs of competition's "heartlessness," and "economic oppression." Inescapably, the decision as to which is more important—efficiency or morality—is a question of value (subjective and objective), a moral question. But free-market economists have so downplayed moral questions in their "scientific" discussions that they are not skilled competitors in any intellectual marketplace of moral ideas. Unfortunately for them, that is the only marketplace of ideas there is. *Because they have emphasized efficiency and have excluded or downplayed questions of morality and value, value-free economists have not been efficient competitors in the intellectual marketplace*. The religion of economic efficiency turns out to be woefully inefficient.

M. Max Weber's Critique: Dialecticism

Max Weber,[149] the great German social scientist (d. 1920), recognized the tension—a permanent tension, he argued—in all humanistic economic systems between what he called "formal rationality" and "substantive rationality." It is the heart of the debate between capitalism and socialism. This is the question of efficiency vs. ethics.[150] With

149. Pronounced Mawx Vayber.

150. Weber wrote: "A system of economic activity will be called 'formally' rational according to the degree in which the provision for needs, which is essential to every rational economy, is capable of being expressed in numerical, calculable terms, and is so expressed. . . . The concept is thus unambiguous, at least in the sense that expression in money terms yields the highest degree of formal calculability. . . . The concept of 'substantive rationality,' on the other hand, is full of ambiguities. It conveys only one element common to all 'substantive' analyses: namely, that they do not restrict themselves to note the purely formal and (relatively) unambiguous fact that action is based on 'goal-oriented' rational calculation with the technically most adequate available methods, but apply certain criteria of ultimate ends, whether they be ethical, political, utilitarian, hedonistic, feudal (*ständisch*), *egalitarian, or whatever, and measure the results of the economic action, however formally 'rational' in the sense of correct calculation they may be, against these scales of 'value rationality' or 'substantive goal rationality*.' There is an infinite number of possible value scales for this type of rationality, of which the socialist and communist standards constitute only one group. The latter, although by no means unambiguous in themselves, always involve elements of social justice and equality." Weber, *Economy and Society: An Outline of Interpretive Sociology*, eds. Guenther Roth and Claus Wittich (New York: Bedminster Press, 1968), pp. 85–86. This is a translation of Weber's posthumous *Wirtschaft und Gesellschaft*, 4th German edition, 1956.

respect to economic efficiency (formal rationality), Weber argued, capitalism's critics very often take offense: "All of these [substantively rational, ethical—G.N.] approaches may consider the 'purely formal' rationality of calculation in monetary terms as of quite secondary importance or even as fundamentally inimical to their respective ultimate ends, even before anything has been said about the consequences of the specifically modern calculating attitude."[151] In short, Weber concluded, "Formal and substantive rationality, no matter by what standard the latter is measured, are always in principle separate things, no matter that in many (and under certain very artificial assumptions even in all) cases they may coincide empirically."[152] This dialectical tension is basic to Weber's sociological analysis.[153]

Economists who defend the free market seldom acknowledge the nature of this fundamental debate between the free market's intellectual defenders and the free market's critics. Their "value-free" methodology and their methodological individualism blind them to the realities of the debate—a debate over morality, values, and the effects of voluntary economic transactions on society. Free market economists cannot seem to understand those scholars and critics who raise the question of individual morality, let alone social consequences and social values, and who then ignore questions of economic efficiency for the attainment of the economic goals of individuals. The economists dismiss such criticisms as amateurish and irrational; the fact that most people accept the perspective of the critics does not faze the economists, most of whom see this battle as a technical academic debate rather than a life-and-death war for Western civilization. They see all conflicts as in principle resolvable "at the margin, at some price."

Anti-capitalist critics, of course, really do tend to ignore questions of efficiency, a concept that does have to be considered carefully in any relevant discussion of men's economic ability to pursue moral goals, both personal and social. Weber recognized this: "Where a planned economy is radically carried out, it must further accept the inevitable reduction in formal, calculatory rationality which would result from the elimination of money and capital accounting. Sub-

151. *Ibid.*, p. 86. See a slightly different translation of this passage and the one in the preceding footnote in Weber, *The Theory of Social and Economic Organization*, ed. Talcott Parsons (New York: The Free Press, [1947] 1964), pp. 185–86.

152. *Ibid.*, p. 108. [*Theory*, p. 212.]

153. Gary North, "Max Weber: Rationalism, Irrationalism, and the Bureaucratic Cage," in North (ed.), *Foundations of Christian Scholarship*, pp. 141–46.

stantive and formal (in the sense of exact *calculation*) rationality are, it should be stated again, after all largely distinct problems. This fundamental and, in the last analysis, unavoidable element of irrationality in economic systems is one of the important sources of all 'social' problems, and above all, of the problems of socialism."[154] Thus, Weber pointed to a dialectical tension in all humanistic discussions of social systems. Free market economists and capitalism's critics do not come to grips with each other's arguments.

The free market economist does have this working for him: socialism really is inefficient. People around the globe want the fruits of free market capitalism, which are only too visible on television and in imported media, and national leaders are drastically modifying socialist ownership in order to provide access to these fruits. There was a humorous definition in the late 1980s that described the situation in Europe: "Socialist, noun: a capitalist who, for political reasons, cannot admit it publicly." That ended after 1991. Nevertheless, economic pragmatism is not sufficient to serve as the foundation for an entire civilization. Envy still has a large political constituency.[155] There is a desperate need today for a moral and ultimately religious defense of capitalism.[156] It will not suffice to defend the formal efficiency of the free market by means of an appeal to the formal political techniques of democracy. An appeal to formal rationalism from the market to the election booth and back again is little more than the proverbial pair of drunks who lean on each other in order to stay on their feet. Eventually, they tumble together. Weber's dualism between substantive rationalism and formal rationalism is as applicable to democratic theory as to market theory. The spirit of democratic capitalism needs moral content derived from outside market theory and democratic theory.[157] The naked public square needs more than the fig leaf of political and religious pluralism to protect it from the socially destructive elements of revolutionary violence and moral erosion.[158]

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154. Weber, *Economy and Society*, p. 111. [*Theory*, pp. 214–15.]

155. Gonzalo Fernandez de la Mora, *Egalitarian Envy: The Political Foundations of Social Justice*, translated by Antonio T. de Nicholas (New York: Paragon House, 1987), Part B.

156. Paul Johnson, "The moral dilemma confronting capitalism," *Washington Times* (Feb. 21, 1989).

157. Michael Novak, *The Spirit of Democratic Capitalism* (New York: Touchstone, 1982).

158. Richard John Neuhaus, *The Naked Public Square: Religion and Democracy in America* (Grand Rapids, Michigan: Eerdmans, 1984). Cf. Gary North, *Political Polytheism: The Myth of Pluralism* (Tyler, Texas: Institute for Christian Economics, 1989).

N. "Weighing Up the Gains and Losses"

Let us return to Coase's arguments—arguments that deliberately ignore the ethical question of private property rights and the losses to those whose rights are violated. "It is all a question of weighing up the gains that would accrue from eliminating these harmful effects against the gains that accrue from allowing them to continue."[159] But here is the *real* "problem of social costs": *the economist, as a scientist, has no way to "weigh up" economic gains and losses*.[160]

Coase and all of his followers go on blithely as if all this talk about tallying up costs and benefits—social or individual—had any epistemologically valid theoretical meaning for a methodological individualist, let alone any scientific application. "The problem which we face in dealing with actions which have harmful effects is not simply one of restraining those responsible for them. What has to be decided is whether the gain from preventing the harm is greater than the loss which would be suffered elsewhere as a result of stopping the action which produces the harm."[161] *But economists cannot measure social costs and benefits, according to the logic of modern economics, since costs and benefits are exclusively subjective categories.*

Humanistic economists go about their business as if "equilibrium analysis" were anything more than a teaching device, and very often a misleading one.[162] The assumptions of equilibrium analysis deny the possibility of human action in a world in which these equilibrium conditions exist. There is perfect knowledge for market participants in such a universe, and therefore neither profits nor losses. (Yet, even in equilibrium, there would be transaction costs. There are no free lunches in the land of equilibrium; it is just that everyone knows exactly how much everyone's lunch will cost.) It is a world of automatons, not humans, as Mises wrote. Yet all of the "rigorously scientific" discussions of economic efficiency and optimal distribution are based on the trans-historical model of equilibrium. Peter Lewin has seen this more clearly than most economists have: "The other important assumption underlying the efficiency approach is the absence of

159. Coase, "Social Cost," p. 26.

160. North, *Sovereignty and Dominion*, ch. 5.

161. Coase, "Social Cost," p. 27.

162. Debreau's mathematical analysis of free market equilibrium won him the 1983 Nobel Prize in economics, but it tells us little about how the real world of supply and demand really works. Gerard Debreau, *Theory of Price: An Axiomatic Analysis of Equilibrium* (New Haven, Connecticut: Yale University Press, 1959). This is wood, hay, and stubble.

significant distortions elsewhere in the economy. The calculation of social costs and benefits is profoundly affected if this assumption is violated. In a world of distortions, where prices are not general equilibrium competitive prices that reflect marginal costs, the imposition of a Pigouvian tax or a liability that would achieve efficiency if distortions were absent may *reduce* efficiency.... In more general terms, outside of equilibrium there is no way to know if any move is efficiency-enhancing or not."[163] He went so far as to say—quite accurately with respect to a methodology devoid of the concept of God, revelation, and absolute objective values—that "the notion of efficiency makes little sense outside of general equilibrium."[164]

Coase was unquestionably correct that "In a world in which there are costs of rearranging the rights established by the legal system, the courts, in cases relating to nuisance, are, in effect, making a decision on the economic problem and determining how resources are to be employed."[165] To the extent that Coase's article helps judges or others to become more aware of this inescapable reality of economic allocation, it is a useful essay. But how useful is a rarified academic exercise which overlooks that most fundamental of economic costs: *the cost of suffering a violation of justice*? Never forget: he wanted to limit his discussion to costs and benefits, "questions of equity apart."

O. Optimal Crime and Optimal Punishment

We see the same sort of "add it up" reasoning in a subdivision of law and economics: crime and punishment. Ever since Gary S. Becker's pioneering article in 1968, University of Chicago-type economists have been analyzing crime and law enforcement in terms of a model that minimizes social losses from crime. This model treats social costs and optimal social solutions as if such concepts had scientific validity in a world of subjectivist economic analysis. Please forgive the following; it was written by an economist.

> Optimal policies are defined as those that minimize the social loss from crime. That loss depends upon the net damage to victims; the resource costs of discovering, apprehending, and convicting offenders; and the costs of punishment itself. These components of the loss, in turn, depend upon the number of criminal offenders, the probability of apprehending

163. Peter Lewin, "Pollution Externalities: Social Cost and Strict Liability," *Cato Journal*, II (Spring 1982), pp. 216–17.

164. *Ibid.*, p. 217.

165. Coase, "Social Cost," p. 27.

> and convicting offenders, the size and form of punishments, the potential legal incomes of offenders, and several other variables. The optimal supply of criminal offenses—in essence, the amount of crime—is then determined by selecting values for the probability of conviction, the penalty, and other variables determined by society that minimize the social loss from crime. Within this framework, theorems are derived that relate the optimal probability of conviction, the optimal punishments, and the optimal supply of criminal offenses to such factors as the size of the damages from various types of crimes, changes in the overall costs of apprehending and convicting offenders, and differences in the relative responsiveness of offenders to conviction probabilities and to penalties.[166]

This all sounds so scientific, but it is all spurious if economics does not allow the interpersonal comparison of subjective utilities or the aggregating of interpersonal utilities, which it doesn't. But sophisticated, intellectually rigorous analyses such as this certainly do increase the likelihood of academic tenure and personal career advancement—an employment guarantee that some people (myself included) regard as less than socially optimal.[167] Becker won the Nobel Prize in economics in 1992, the year after Coase won it.

The reader should be aware that the practitioners of economics are unhappy with the public's perception of their trade. The economist as a rigorous scientist cannot do without the concept of equilibrium to build his theories, and this concept begins with the presupposition of perfect, zero-cost knowledge. Then he attempts to fit this model onto the error-filled real world, "making appropriate modifications," of course. Problem: *the moment he makes any modification, the model disintegrates*. At best, the equilibrium model is useful as a platform for making intuitive leaps of faith. Intuitive leaps of faith are inescapable aspects of all economic thought, a fact which economists prefer not to discuss.[168]

1. Becker's Breakthrough

Becker insisted that his approach to crime and punishment does not "assume perfect knowledge, lightning-fast calculation, or any of

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166. William M. Landes, in Gary S. Becker and William M. Landes (eds.), *Essays in the Economics of Crime and Punishment* (New York: National Bureau of Economic Research, 1974), p. xiv. Each of the five authors who contributed the book's six essays was at the time a professor at the University of Chicago.

167. Cf. Robert A. Nisbet, "The Permanent Professors: A Modest Proposal," *Public Interest* (Fall 1965); reprinted in Nisbet, *Tradition and Revolt: Historical and Sociological Essays* (New York: Random House, 1968), ch. 12.

168. North, "Economics: From Reason to Intuition," in North (ed.), *Foundations of Christian Scholarship*, ch. 5.

the other caricatures of economic theory."[169] He was self-deceived; this is exactly what all discussions of socially optimum decision-making must assume. This attempted caricature is in fact the heart, mind, and soul of modern economics as an academic discipline. Without it, there could be no mathematics or equations in economic analysis, and without mathematics, one rarely gets into print in the prestigious scholarly economics journals.[170] Certainly, Becker's essay is made nearly unreadable by page after page of pseudo-scientific equations, as are most of his other essays.

Becker insisted that "This essay concentrates almost entirely on determining optimal policies to combat illegal behavior and pays little attention to actual policies."[171] In this regard, the essay is representative of virtually the whole field of law and economics. Becker preferred equations and equilibrium to the concept of personal responsibility when it came to suggesting what should be done about crime. He and his colleagues have refused to honor Baird's warning: "Since all costs and benefits are subjective, no government can accurately identify, much less establish, the optimum quantity of anything."[172] Admit this, and 90% of what gets published in the professional academic journals would have to be rejected by the editors. Where, under such academically sub-optimal circumstances, would a career economist publish an essay such as Isaac Ehrlich's representative example, "Optimal Participation in Illegitimate Market Activities: A One-Period Uncertainty Model"?[173]

Biblical law is the foundation of optimal social and economic policies—the *only* foundation that honors God and can therefore produce long-term benefits: covenantal blessings. This is why we need to adhere to the Bible's system of penalties to be imposed by the civil government; without this, we are flying blind. Otherwise, we will fly as blind as Gary Becker did when he wrote: "A wise use of fines requires knowledge of marginal gains and harm and of marginal apprehension and conviction costs; admittedly, such knowledge is not easily

169. Gary S. Becker, "Crime and Punishment: an Economic Approach" (1968), in *Essays in the Economics of Crime and Punishment*, p. 9.

170. Galbraith, *Economics Peace and Laughter*, ch. 2.

171. *Essays in the Economics of Crime and Punishment*, p. 44.

172. Charles W. Baird, "The Philosophy and Ideology of Pollution Regulation," *Cato Journal*, II (Spring 1982), p. 303.

173. Actually, this was only a subsection in his influential and equation-filled article, "Participation in Illegitimate Activities: An Economic Analysis," in *Essays in the Economics of Crime and Punishment*.

attained."[174] *Not easily attained*! In terms of the logic of subjective economics, such knowledge cannot be attained at all. *We cannot make scientific interpersonal comparisons of subjective utility or disutility.* Professional economists may shudder at the thought of restructuring civil sanctions to make civil law conform more closely to biblical law, but they have nothing to offer in its place except endless self-deception regarding the scientific possibility of discovering socially optimal levels of crime and punishment.[175]

That Becker's essay does not even consider the possibility of restitution payments by criminals to their victims, but instead focuses on the social benefits of fines paid to the state, indicates how far from common sense these scientific economists are. What mainly disturbed Becker was that with imprisonment, "some of the payment 'by' offenders would not be received by the rest of society, and a net social loss would result."[176] He was so concerned with questions of "net social loss" that he neglected the crucial question of the net *personal* loss suffered by the victim.[177] The word "restitution" does not appear in the index of *Essays in the Economics of Crime and Punishment*. (The book has approximately 170 pages of equations or parts of equations in its 273 pages, with most of the remainder devoted to charts, graphs, statistical regression analysis, brief bibliographies, and the five and a half page index.)[178] Two decades later, Becker was still humming the same old tune: "deterrence, not vengeance," fines, not restitution to victims. Yet he still had discovered no objective answer to the problem he raised: making the punishment fit the crime: "Obviously, it is hard to estimate damages for many company crimes and even harder to determine the probability of conviction."[179]

174. Becker, in *ibid*., p. 28.

175. For example, Nobel Prize-winning University of Chicago economist George Stigler's essay, "The Optimum Enforcement of Laws," *ibid*, pp. 55–67.

176. Becker, pp. 24–25.

177. He said that criminal law should deal only with crimes in which victims cannot be compensated. "Thus an action would be 'criminal' precisely because it results in uncompensated 'harm' to others." *Ibid*., p. 33. I have some questions. First, if someone can serve a prison term or pay a fine to the state, why can't he compensate victims instead? Second, why did Becker refuse to discuss the overwhelming majority of crimes in which there are identifiable victims, preferring instead to fill up pages with equations? Was he conveniently defining away the problem of crime and punishment for the vast majority of crimes? Third, why did he feel it necessary to put quotation marks around *criminal* and *harm*? Is it because such language smacks too much of objective moral norms?

178. For an equally arcane academic treatment, see David J. Pyle, *The Economics of Crime and Law Enforcement* (New York: St. Martin's, 1983).

179. Gary Becker, "Make the Punishment Fit the Corporate Crime," *Business Week* (March 13, 1989).

Hard? By the standards of subjective value theory, it is theoretically impossible.

Buchanan was correct in his discussion of the economics of crime: "...any costs which the economist may objectify need bear little relation to those costs which serve as actual obstacles to decisions." He was not correct in his next sentence: "Recognition of this fact need not destroy the usefulness of the economic analysis."[180] Without a scientifically verifiable link between subjective decision-making and objective fines, the economist cannot make a coherent case for any outcome other than judicial chaos. (It should not be surprising that Becker argued that the free market would bring economic order even if all men's decisions were irrational.)[181] The economist needs a ruler, as Thirlby so accurately identified it. In fact, he capitalized it.[182] The economist does indeed need a Ruler, an "omniscient observer who can read all preference functions," as Buchanan so professionally described Him.[183] But economists have denied His relevance from the beginning of the profession; economics was the first scientific guild to do so. It was this self-conscious separation of economics from both theology and morality that economist William Letwin praised as "the greatest accomplishment of the seventeenth century."[184] (It apparently overshadowed the less significant work of Director of the Mint, Mr. Newton.)

This digression has been necessary in order to demonstrate what the academic field of economics and law is really all about. It is all about making scholarly reputations by making preposterous assumptions. The more preposterous the assumptions, the more scholarly the reputation. And it is all done in the name of optimality: "The main contribution of this essay, as I see it, is to demonstrate that optimal policies to combat illegal behavior are part of an optimal allocation of resources."[185]

2. The Social Benefits of Criminal Behavior

A unique component of the Becker thesis on criminal behavior is his thesis that the concern of society in prohibiting criminal behavior

180. Buchanan, *Cost and Choice*, p. 93.

181. Gary Becker, "Irrational Behavior and Economic Theory," *Journal of Political Economy*, LXX (Feb. 1962). For my critique of his position, as well as Israel Kirzner's very different critique, see North, *Sovereignty and Dominion*, pp. 443–50.

182. Thirlby, "The Ruler," *South African Journal of Economics*, XIV (Dec. 1946), reprinted in *L.S.E. Essays on Cost*.

183. Buchanan, *Cost and Choice*, p. 95.

184. Letwin, *Origins of Scientific Economics*, p. 159.

185. Becker, "Crime and Punishment," *op. cit.*, p. 45.

ought to be the reduction of *net* social cost. This is a very important qualification. In calculating the net cost to society of any criminal act, *Becker insisted that we must count as a positive benefit the gains made by the criminal by committing the crime*. "The net cost or damage to society is simply the difference between the harm and gain," he wrote.[186] How could he say this? Because of his thesis—the one which undergirds this whole subdivision of economics—that *criminal behavior is no different from any other profit-seeking behavior*. Ethics has no role to play in distinguishing crime from other profit-seeking activities. "The approach taken here follows the economists' usual analysis of choice and assumes that a person commits an offense if the expected utility to him exceeds the utility he could get by using his time and other resources at other activities. Some persons become 'criminals,' therefore, not because their basic motivation differs from that of other persons, but because their benefits and costs differ."[187]

Notice, first, that he put the word *criminals* in quotation marks, indicating his fear of making an ethical judgment in a scholarly journal. Second, he hesitated to follow what economists sometimes call the pure logic of choice.[188] He said that *some* persons become criminals "because their benefits and costs differ" from law-abiding persons. Why not use cost-benefit analysis to explain the actions of *all* criminals? Why limit it to only *some*? Why bother to distinguish the non-economic motives of criminals from those of non-criminals? The logic of his argument is that non-economic motives and personal tastes are irrelevant for economic analysis; only costs and benefits are relevant for making predictions regarding people's economic behavior.[189] Why not follow the logic of the argument? Why not conclude in print that there is no theoretically valid economic difference between profit-seeking activities and criminal acts; there are only differences in net social utility? But he did not go this far. It is almost as if some

186. *Ibid.*, p. 6.

187. *Ibid.*, p. 9.

188. F. A. Hayek, "Economics and Knowledge," *Economica*, IV (1937), reprinted in Hayek, *Individualism and Economic Order* (Chicago: University of Chicago Press, 1948), pp. 35, 39, 46–47. See also Richard Fuerle, *The Pure Logic of Choice* (New York: Vantage, 1986).

189. This is how professional economists assess Becker's argument. Wrote Paul H. Rubin: "Becker essentially argued that criminals are about like anyone else—that is, they rationally maximize their own self-interest (utility) subject to the constraints (prices, incomes) that they face in the marketplace and elsewhere. Thus the decision to become a criminal is in principle no different from the decision to become a bricklayer or a carpenter, or, indeed, an economist. The individual considers the net costs and

last remaining trace of common sense and moral values kept Becker from pursuing the logic of his position.

His followers have not been so reticent: "An individual decision to commit a crime (or not to commit a crime) is simply an application of the economist's theory of choice. If the benefits of the illegal action exceed the costs, the crime is committed, and it is not if costs exceed benefits. Offenders are not pictured as 'sick' or 'irrational,' but merely as engaging in activities that yield the most satisfaction, given their available alternatives."[190] Then what of the warning of God in Proverbs? "All they that hate me love death" (8:36b). Of course: just redefine suicidal criminal behavior in terms of the criminal's subjective preference for death, assume the existence of subjective ordinal (or even cardinal) utility in his subjective value preference scale, and economic analysis still holds! Common sense disappears, but economic analysis, like the smile of the cheshire cat, remains. (In all honesty, this kind of economic analysis goes back to the mid-nineteenth century. Jeremy Bentham used a very similar approach based on net pleasure or pain. Mercifully, the academic world had not yet discovered either econometrics or multivariate regression analysis, so his essays were literate and coherent.)

Becker was too timid to pursue his remarkable thesis very far. Let me show you where it leads. What about the net social cost or net social benefit of murder? He wrote that "the cost of murder is measured by the loss of earnings of victims and excludes, among other things, the value placed by society on life itself. . . ."[191] But this was insufficiently rigorous by the standards of Chicago School economics. He forgot that the victim's ability to earn a living also involves costs. The producer must eat, use public facilities of various kinds, and be a life-long absorber of resources. So, what Becker really meant to say is that the cost of murder is the net loss—discounted by the prevailing

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benefits of each alternative and makes his decision on this basis. If we then want to explain changes in criminal behavior over time or space, we examine changes in these constraints. The basic assumption in this type of research is that tastes are constant and that changes in behavior can be explained by changes in prices." But we all know that tastes do change. This is economically irrelevant, say the economists. Why? Because economics cannot yet deal with changes in taste. "Tastes are assumed to be constant because we have absolutely no theory of changes in tastes. . . ." Rubin, "The Economics of Crime," in Ralph Andreano and John J. Siegfried (eds.), *The Economics of Crime* (New York: Wiley, 1980), p. 15.

190. Morgan O. Reynolds, "The Economics of Criminal Activity" (1973), reprinted in *ibid.*, p. 34.

191. Becker, "Crime and Punishment," p. 9.

rate of long-term interest, of course[192]—of the late victim's lifetime earning potential, *minus* net lifetime expenditures (also discounted). This raises a key question in our era of legalized abortion, which may be a preliminary to legalized euthanasia (as it has been in the Netherlands): *What if the dead victim had been sick, dying, mentally retarded, or in some other way is a net absorber of society's scarce economic resources?* Must we not conclude that the murderer has in fact increased the net wealth of society? Remember Becker's rule: "society's" estimation of net social costs or benefits "excludes, among other things, the value placed by society on life itself." On what economic grounds could a legislator oppose the concept of selective murder, with criminal indictments to be handed down in specific cases only after a retrospective evaluation (by some committee or other) of net costs and benefits?[193] Who is to say? After all, as he says, "Reasonable men will often differ on the amount of damages or benefits caused by different activities."[194]

If all this begins to sound like the work of a madman, this is only because it is the work of a technically skilled University of Chicago economist who follows the logic of his position.[195] Bear in mind that Becker's essay on crime is regarded by his peers as a classic in the field, one comparable to (and written with the same presuppositions

192. See Posner's discussion: *Economic Analysis of Law*, pp. 170–81.

193. Becker also failed to mention the value of life to the late victim, which seems a bit odd, given the fact that Becker also pioneered a subdivision in the economics profession called human capital: Gary S. Becker, *Human Capital* (New York: National Bureau of Economic Research, 1964). Fortunately, Richard Posner attempted to rectify this gaping hole in Becker's analysis. He did try to make an objective estimation of the economic value of life to the victim, which he concluded is nearly infinite. He used a hypothetical example of rising economic payment that someone would demand to induce him to get involved in death-producing activities: the more likely death becomes, the higher the pay demanded. If death is sure, the price demanded will approach infinity. (Why, then, do men volunteer for suicide missions in wartime?) This was his surrogate for making a subjective posthumous estimation of life's monetary value to the late victim: Posner, *Economic Analysis of Law*, pp. 182–86. He drew no important conclusions from this analysis, however, and did not include it in his book's index under "death," for which there is no entry, or under the entries for "murder."

194. Becker, "Crime and Punishment," p. 45.

195. For a brief, intelligent, and methodologically rigorous response to Becker, see G. Warren Nutter, "On Economism," *Journal of Law and Economics*, XXII (October 1979), pp. 263–68. It was in response to Becker's methodology that I wrote my tongue-in-cheek piece, "A Note on the Opportunity Cost of Marriage," *Journal of Political Economy* (April 1968), in which I concluded that male Ph.D.-holding scholars cannot afford to marry women who are not high school drop-outs. Astoundingly, George Stigler (seemingly straight-faced) replied in a subsequent issue that I had not dealt with Adam Smith accurately.

as) Coase's essay on social cost. One European economist has called Becker's work truly revolutionary. Even more: "...Gary Becker is classed among the greatest living American economists."[196]

3. Pin-Stickers and Their Victims

Becker returned to the age-old question of the pin-sticker and his victim.[197] If a person enjoys sticking pins into other people, and if other people resent this, what should society do? Should try to we construct a measuring device to record the joy of the pin-sticker and then compare it to the pain of his victim? Should society base the decision of whether to identify this act as a crime in terms of the pin-sticker's pleasure minus his victim's pain—"net social utility"? If so, what do we do about the masochist who enjoys being stuck? (Yes, I know: sticking him is a victimless crime, and therefore in theory outside economic policy analysis.)

The biblical view of man rests on the presupposition that there are two kinds of people: covenant-breakers and covenant-keepers. There is also such a thing as common grace.[198] When God removes it, people become more consistent with their own ethical presuppositions. Increasing numbers of covenant-breakers turn to crime as an expression of their ethical rebellion against God. The economics of crime and punishment no doubt can be discussed *in part* in terms of criminals' expected costs and benefits, but equally important, if not more important, is the psychological link between crime and certain forms of addiction, especially the addiction to illicit thrills and danger. People's tastes are not stable, contrary to Chicago School economists; people can and do develop an addiction to criminal behavior. They need ever-increasing doses of crime to satisfy their habit. Thus, to analyze all economic actors in terms of the pure logic of expected profit and loss is a fundamental error of modern economic analysis.

Becker disagreed. He wanted to consider only people's perceived costs and benefits, risks and rewards, *net*. The logic of Becker's position seems to infer the right of a criminal to inflict damage as heavy as murder, just so long as he can demonstrate in court through cost-benefit analysis that the particular murder produced net social utility.

196. Henri Lepage, *Tomorrow, Capitalism: The Economics of Economic Freedom* (La Salle, Illinois: Open Court, [1978] 1982), p. 161. The chapter is titled, "The Gary Becker Revolution."

197. North, *Sovereignty and Dominion*, p. 66.

198. Gary North, *Dominion and Common Grace: The Biblical Basis of Progress* (Tyler, Texas: Institute for Christian Economics, 1987).

Coase, writing eight years earlier, was more judicious in his conclusions. He wanted only to assert the right *at some price* of an individual to inflict less permanent forms of damage than murder.

P. The "Right to Inflict Damage"

Coase considered an example taken from Pigou's *Economics of Welfare*. Suppose that it would pay a railroad firm to run a train faster than normal, thereby throwing off more sparks. (The example applies to railroads before the era of diesel engines, but it is still valid as an example.) Suppose also that the sparks set a fire that burns a farmer's crop. Pigou said that the railroad company should reimburse the farmer for the loss of his crops by paying him the crop's market value. This, it should be pointed out, is also what Exodus 22:6 says.

1. Net Social Benefits

Coase denied Pigou's conclusion. "The conclusion that it is desirable that the railway should be made liable for the damage it causes is wrong."[199] Why? Because *the economic gains to the total economy*, as revealed by the value of the crops lost vs. the cost of installing spark-arresters on the engine, or the losses to the railroad company if the train was not run at all, *might be greater by allowing the train to emit sparks*. (Might be, might be, might be: How can anyone *know*, given the intellectual tools of modern, subjectivist economics?) The judge should consider the monetary value of the burned crops in relation to the cost of installing a spark-arrester or the monetary losses to the company of running the train more slowly, and then make a decision as to what each party owes the other. In other words, he must consider the *value of total production*. "This question can be resolved by considering what would happen to the value of total production if it were decided to exempt the railway from liability from fire-damage. . . ."[200] Coase argued that it might be better for society in general if the farmer's property rights are ignored, leaving him free to pay the railroad company sufficient money to install the spark-arrester. After all, the value of the crop may be greater than the cost of the spark-arrester.[201]

199. Coase, "Social Cost," p. 32.

200. *Ibid.*, p. 33.

201. Clearly, the damage inflicted on the crops planted close to the tracks by numerous farmers could be high. The costs would be high to organize the farmers together in order to contribute money to finance the installation of the spark arrester. Each farmer would tend to wait for the others to put up the money. Each would prefer to become a "free rider" in the transaction: paying nothing, but benefitting from the spark arrester.

What if the farmer had worked for years to build up the soil or build his family's dream home? This labor was unquestionably a manifestation of the dominion covenant. Perhaps he dimly understood that his labor to build the house was in a unique way a moral act under God, meaning his personal conformity to God's injunction to subdue the earth to His glory. His home is not simply a manifestation of his technical competence as a builder; it may also be a manifestation of his self-conscious fulfillment of the dominion covenant. In other words, this house may be in a very real sense a holy thing—a thing set apart for God by the very act of constructing it. This is why people are sometimes "irrationally" committed to a piece of ground. A spark-emitting train is threatening his home's existence, meaning the work of his hands, meaning his dream or vision. Is he entitled to no compensation? Isn't the railway *always* liable for damages? Furthermore, if the court decides that the railway is liable—and Coase denied that the court should automatically decide that it is—is the man's shattered dream worth only monetary compensation for the market value of his crops? Maybe he resents the fact that the railway is reducing to mere dollars his right to safety from fire, and market-determined dollars at that? Shouldn't the engines be fitted with a spark retarder, by law? After all, this is not an accidental, occasional incident; this is a daily threat of fire that is a statistically probable event because of the technology involved in running the trains. In short, what about the *psychic costs* to the victim? Coase's analysis completely ignores this fundamental issue.[202]

2. *"Coase, Get Your Cattle Off My Land!"*

What about the farmer who sees the cattleman move in next door? What about the cattleman who sees the sheepherder move in next door to him? If the other man's animals come roaming into his garden or into his pasture, isn't the victim entitled to compensation? What if the "accident" of wandering animals is not an accident, but a regular way of doing business? Shouldn't the offender be required to put a fence around the wandering beasts? Why should the injured party

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The payment to the railroad firm probably would not be made apart from intervention by the civil government to compel all farmers who are benefitted by the spark arrester to pay their proportional share. The civil government eventually must decide who pays whom: the railroad firm paying damages to the farmers, or the farmers paying "protection money" to the railroad company.

202. This is Walter Block's main criticism: "Coase and Demsetz on Private Property Rights," *op. cit.*

be required by the court to share the costs of fencing? *Are the victim's property rights of undisturbed ownership not to receive predictable compensation*? What I am arguing, in short, is that the victimized property owner has the right to announce: "Coase, get your cattle off my land!"

My land: there is greater value to me in my right to enjoy my land undisturbed than Coase's reductionist economic analysis indicates. To count the market value of the crops that the cattle trampled, and then to compare that value to society with the meat that someone will put on his table, is *to reduce the value of a man's right of undisturbed ownership to zero*. Coase's concept of social costs ignores one of the most valuable assets offered to men by a free market social order: *the right of the owner to determine who will and who will not have legal access to his property, and on what terms*. To think that monetary compensation for damaged goods at a market price is all that matters to an owner is ridiculous. Rothbard is correct, and I cite his statement again: "There are many problems with this theory. First, income and wealth are important *to the parties involved*, although they might not be to uninvolved economists. It makes a great deal of difference to both of them who has to pay whom. Second, this thesis works only if we deliberately ignore psychological factors. Costs are not only monetary. The farmer might well have an attachment to the orchard far beyond monetary damage.... But then the supposed indifference totally breaks down."[203]

Even more important, there must also be compensation for the loss of security that is necessarily involved in every willful violation of another man's property rights. The Bible says plainly that restitution shall be paid with "the best" of the violator's field, "and of the best of his own vineyard." To argue, as Coase did, that as far as society is concerned, it is economically irrelevant to the total economic value accruing to society whether the victim (farmer) builds the fence at his expense or the cattleman (violator) does at his expense is to place zero price on the rights of ownership. *When free market economists place zero economic value on the rights of ownership, they have given away the case for the free market*. This is precisely what Coase and the many academic "economics of law" specialists have done. They have preferred the illusion of value-free economics to the ideal of private property—our legal right to exclude others from using our property.

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203. Rothbard, "Law, Property Rights, and Air Pollution," *op. cit.*, p. 58.

3. Theft as a Factor of Production

Coase explicitly argued that the *ability to cause economic injury* is a *factor of production*. Therefore, the state's decision to deny a person the *right* to exercise this ability involves a social cost: the loss of a factor of production. "If factors of production are thought of as rights, it becomes easier to understand that the right to do something which has a harmful effect (such as the creation of smoke, noise, smells, etc.) is also a factor of production. Just as we may use a piece of land in such a way as to prevent someone else from crossing it, or parking his car, or building his house upon it, so we may use it in such a way as to deny him a view or quiet or unpolluted air. The cost of exercising a right (of using a factor of production) is always the loss which is suffered elsewhere in consequence of the exercise of that right—the inability to cross land, to park a car, to build a house, to enjoy a view, to have peace and quiet or to breathe clean air."[204] Coase simply ignored the crucial free market concept that *legal right to exclude others* from invading your property is *a far more crucial factor of production*—the factor of personal confidence in the honesty and reliability of the civil government. Without this confidence, the free market is steadily reduced to little more than black market operations.

Coase wanted us to "have regard for the total effect" of such uses of our so-called capital, namely, the right to pollute the environment.[205] But "total costs" are precisely what he has deliberately chosen to ignore: *the right to determine whether or not another person can invade my privacy, wake me up at 2:00 A.M., set fire to my crops, send his cattle to eat in my fields, or, ultimately, sell tickets to people to peek through my window at 3:00 A.M.* The economic value of my right to say "Keep your cattle off my land!"—and my right to demand restitution for the violation of this right—is simply ignored by Coase and all those economists who take seriously his economic analysis of social costs. *He offered economic analysis of the right to inflict damage, but he ignores any economic analysis of the right to deny the damage-producer his so-called right*. More than this: *Coase explicitly denied the right of property owners to have their property defended by predictable law, for he said that any consideration of the right to demand compensation depends on "circumstances."*[206] If the right of collecting compensation is not predictable, the right of private property loses its status as a right.

204. Coase, "Social Cost," p. 44.

205. *Idem*.

206. *Ibid*., p. 21.

By elevating the "right to inflict damage" to the same level as the right to demand compensation for a violation of a property right, Coase effectively compromised the latter right by making a potential right out of the ability to inflict damage. *The application of Coase's argument would destroy property rights by attempting to extend the status of property right to a man's ability to damage his neighbor's property*. He did not discuss anywhere in the essay *the economic costs to society of compromising the injured party's right to demand and receive by law economic restitution from the offending party*. He did not even seem to understand the implications of his own argument. Most astounding of all, his arguments have been taken seriously by economists who see themselves as defenders of the free market order. Economic reductionism is a kind of occupational affliction for the Chicago School economists.

4. Transaction Costs at the O.K. Corral

Coase's academic colleague at the University of Chicago, Nobel Prize-winning economist George Stigler, extended the Coase theorem. Coase argued that, in the absence of transaction costs, different initial assignments of property rights will lead to the same economic output. In his authoritative textbook, *The Theory of Price*, Stigler took this thesis one step further. He concluded that, if there is perfect competition, meaning perfect foreknowledge, market transactions between the polluter and his victim will lead to the production of exactly the same economic output as would have been produced if one firm had owned both the source of pollution and its sink.[207] In other words, the rights of private ownership—the legal right to exclude—and the sense of outrage at an invasion of one's property are economically irrelevant. In a world of perfect competition, amazing things happen. The economic significance of the theft involved in polluting a neighbor's environment is zero.[208]

All we need is to reduce transaction costs. That should not be too difficult. The polluter can pick up a gun, walk over to his neighbor, put the gun to his head, and force him to deed over his property. Presto: the "internalization" of pollution costs! It will not alter economic output one little bit, Stigler assured us. This surely is a cost-effective way to reduce transaction costs. Unless, of course, one's neighbor also has a gun. That, of course, is the whole point.

207. George Stigler, *The Theory of Price*, 3rd ed. (New York: Macmillan, 1966), p. 113.

208. In complete agreement was Warren G. Nutter, "The Coase Theorem on Social Cost: A Footnote," *Journal of Law and Economics*, XI (Oct. 1968).

What possible objection can a self-proclaimed ethically neutral economist offer to this sort of wealth-transfer? This is the question Leff asked is a perceptive critique of the "economics and law" approach to social theory:

> Let us say I am naturally superior to a rich man in taking things, either by my own strength or by organizing aggregations of others (call them governments) to do my will. I am not much of a trader, but I'm one hell of a grabber. That's just the way things are. Is there any way to criticize my activities except from the standpoint of taste (or some other normative proposition)? It would be inefficient to allow violent acquisitions? How can one know that? All of Posner's arguments about the efficiency-inducing effects of private property assume only that someone has the right to use and exclude, not that it be any particular person. If force, organized or not, were admissible as a method of acquisition there is no reason to assume that eventual equilibrium would not be reached, albeit in different hands than it presently rests. After all, as Posner would be the first to tell you, "force" is just an expenditure. If a man is "willing" to pay that price, and the other party is "unwilling" to pay the price of successful counterforce, we have an "efficient" solution.[209]

One Nobel Prize-winning economist who did not ignore the transaction costs of an economic approach to law that elevates efficiency over all other considerations was James Buchanan. In a perceptive law review article, he warned the practitioners of both economics and law that the great benefit which the free market offers society is not its efficiency or its maximizing of economic value. What the free market offers is its support for "institutional alternatives which generate less social tension, less evasion of postulated standards of conduct, more general adherence to legal norms."[210] Yet economists and legal theorists argue that free market economic processes that exist only in an imaginary zero-cost world can and do offer us a cost-effective real-world model: just substitute voluntary market exchanges for enforcement by the state of legal titles. Those who argue this way are not only utopians, they are intellectual arsonists.[211] This is the mid-1960s social philosophy of "Burn, baby, burn!" applied not only to the adjacent field but to society itself.

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209. Leff, "Economic Analysis of Law: Some Realism About Nominalism," *Virginia Law Review* (1974), op. cit., p. 454.

210. Buchanan, "Good Economics–Bad Law," *ibid.*, p. 486.

211. Dahlman was overstating the case against traditional welfare economics when he said that transction costs "are at the heart of the matter of what prevents Pareto optimal bliss from ruling sublime. For if we could only eliminate transaction costs, externalities would be of no consequence. . . ." Carl J. Dahlman, "The Problem of Externality," *Journal of Law and Economics*, XXII (April 1979), p. 161.

5. The Social Costs of the Coase Theorem

There may be an essay by a professional economist that has inflicted more damage on the case for economic freedom than Coase's "Problem of Social Cost." There may be a scholarly essay that has polluted the moral environment of market choice more than Coase's. I cannot imagine what that essay might be. (Becker's 1968 essay on "Crime and Punishment: an Economic Approach" comes close, but it is really only an application of Coase's approach to law.) Coase can always argue that his right to inflict such moral damage is merely a factor of academic production. No doubt this essay advanced his academic reputation after 1960. But for every benefit there is a cost: it surely has inflicted and will continue to inflict damage on human freedom, for it assailed the moral case for private property as no article "within the camp" ever had. It created an intellectually and morally bogus concept of the supposed social economic efficiency of production costs that remain the same irrespective of any initial distribution of ownership. With that seemingly scientific and academically irresistible conclusion, Coase seduced some of the brightest economists and legal theorists of his generation and the next generation. Without a moral case for private property, private property will not survive the attacks, political and intellectual, of its ever-present, ever-envious enemies.

Q. The Biblical Response

It may seem odd that I have devoted so much space to the obvious. Unfortunately, economists quite frequently spin complex theories and arguments that are internally consistent—to the extent that arguments are capable of internal consistency[212]—but to perform these mental gymnastics, they must ignore, or define away, the obvious. Coase's essay is regarded by many economists as a classic. It is a classic all right—a classic exercise in rarified and misleading sophistry. Yet it was taken very seriously by some of those Chicago School economists who had developed the subdiscipline, "the economics of property rights." It was taken seriously by the committee that awarded him the Nobel Prize in economics in 1991.

The Bible declares exactly who must pay damages: *the initiator of the damage*. If one man sets a fire, and it spreads to his neighbor's

212. I have in mind the layman's understanding of Gödel's theorem on the impossibility of arguing both completely and consistently.

field, he must compensate the neighbor for the accident. If he is an outright arsonist, he is a criminal, and he must pay double restitution—double the market value of the lost crop and equipment. It is not a matter of indifference to the legal system as to who initiated the "nuisance." The Bible does not teach that "from an economic point of view, a situation in which there is 'uncompensated damage done to surrounding woods by sparks from railway engines' is not necessarily undesirable. Whether it is desirable or not depends on the particular circumstances."[213] The Bible teaches that the victims of accidental fires must be compensated for their loss. It also teaches that a deliberate violation of another man's property rights is a crime. This is where we must begin any discussion of social costs.

Social costs and social benefits cannot be calculated by means of scientific economics. *The scientific economist cannot make interpersonal comparisons of subjective utility*. We need the Bible to tell us what is right and what is wrong, who pays whom, and whose property should be protected. Society is required by God to adhere to this general principle of justice. The economist has nothing to offer in its place except epistemologically blind intuition.[214] Neither, for that matter, does the modern legal theorist. *Intuition is undefined and undefinable*. As the old political slogan says, "you can't beat something with nothing." Men cannot legitimately fight the Bible's definition of property rights with an appeal to circumstances, or to the intuitive ability of men to assess total social costs and total social benefits, especially a total cost package that ignores the right, meaning *legal predictability*, of compensation to the victims.

In the case of the problem of social costs, Pigou's analysis of pollution and restitution was generally in accord with the Bible's discussion of the problem of social cost. The railroad has the legal responsibility to compensate the farmer for any fire it sets. There will undoubtedly be problems for a jury or arbitrator in assessing exactly what the losses were. If the fires continue, then the railroad's officers can be sued for criminal misconduct. Like the man whose ox gains a reputation for goring, but is not penned up by its owner, so are the railroad officers who do not take care to protect people from an identified physical hazard. The formerly docile ox that gores some-

213. Coase, "Social Cost," p. 34.

214. North, "Economics: From Reason to Intuition," in North (ed.), *Foundations of Christian Scholarship*.

one to death must be killed (Ex. 21:28).[215] (The engine would at that point be fitted with a spark-arrester or prohibited from the tracks.) But the ox with a bad reputation that kills a man must die, and so must its owner, unless he makes restitution to the heirs of the victim (Ex. 21:29–30).[216] (The directors of the railroad could be held responsible in a court of law for criminal actions for not taking care to install safety equipment after the fire threat had been pointed out to them by the authorities.) Biblical case laws are to govern the courts, not the speculative conclusions of economists that are opposed to the Bible's explicit statements. Sometimes very bright economists can come up with outrageous hypotheses. The public adopts these "logical discoveries" at its peril. Coase's essay is regarded by academic economists—at least non-Keynesian and non-mathematical economists—as a landmark essay. What it is, on the contrary, is clever sophistry: a land mine essay.

Conclusion

In a brilliant yet almost despairing essay, Arthur Allen Leff described the development of modern legal theory: a war between legal formalism (the "logic of the law") and legal empiricism or positivism ("man announces the law"). The fact is, this debate goes back at least to the Socratic revolution in Greek political thought: the debate over *physis* (nature) and *nomos* (convention).[217] Wrote Leff: "While all this was going on, most likely conditioning it in fact, the knowledge of good and evil, as an intellectual subject, was being systematically and effectively destroyed." What he called the swamp of historical legal studies was replaced by the desert of legal positivism: the "normative thought crawled out of the swamp and died in the desert."

> There arose a great number of schools of ethics—axiological, materialistic, evolutionary, intuitionist, situational, existentialist, and so on —but they all suffered the same fate: either they were seen to be ultimately premised on some intuition (buttressed or not by nose counts of those seemingly having the same intuitions) or they were even more arbitrary than that, based solely on some "for the sake of argument" premises. I will put the current situation as sharply and nastily as possible: there is today no way

215. Chapter 40:C.

216. Chapter 40:D.

217. On the rival conceptions of law, see Sheldon Wolin, *Politics and Vision: Continuity and Innovation in Western Political Thought* (Boston: Little, Brown, 1960), pp. 29–34. On *physis*, see Robert A. Nisbet, *Social Change and History: Aspects of the Western Theory of Development* (New York: Oxford University Press, 1969), pp. 21–29.

> of "proving" that napalming babies is bad except by asserting it (in a louder and louder voice) or by defining it as so, early in one's game, and then later slipping it through, in a whisper, as a conclusion.[218]

There is no way for either law or economics to be conducted without an appeal to good and evil, yet it is this appeal, above all, which is prohibited by the methodological standards of modern academic scholarship. The appeal to efficiency by the legal theorists is simply another example of seeking meaningful content for the ethically empty box of legal formalism. When the search for meaning turns to the criteria of economic efficiency, the searchers are being lured down one more dead-end trail. As Leff wrote, "while you are now working with *is*-terms only (you have escaped the dreaded *ought*), they are, as a matter of fact, very different matters of fact: what indeed *is* of 'value' must be known before one rates the 'efficiency' of getting there. Thus it is possible that all you have ended up doing is substituting for the arbitrariness of ethics the impossibilities of epistemology."[219]

This is the heart of the problem. *Without ethics, there can be no epistemology*. This assertion—which is also a dreaded but inescapable conclusion of modern economics—was the theme that Van Til worked with throughout his career. Economics is a blind science. So is its subdivision, law and economics. Again, Leff zeroed in on the problem faced by the law schools:

> It is a most common experience in law schools to have someone say, of some action or state of events, "how awful," with the clear implication that reversing it will de-awfulize the world to the full extent of the initial awfulness. But the true situation, of course, is that eliminating the "bad" state of affairs will not lead to the opposite of that bad state, but to a third state, neither the bad nor its opposite. That is, before agreeing with any "how awful" critic, one must always ask him the really nasty question, "compared to what?" Moreover, it should be, but often is not, apparent to everyone that the process of moving the world from one state to another is itself costly. If one were not doing that with those resources (money, energy, attention), one could be doing something else, perhaps righting a few different wrongs, a separate pile of "how ghastly's."[220]

Coase himself admitted as much, though he confined this admission to the narrow confines of the question of transaction costs.

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218. Leff, "Economic Analysis of Law: Some Realism About Nominalism," *Virginia Law Review* (1974), *op. cit.*, p. 454.

219. *Ibid.*, p. 456.

220. *Ibid.*, p. 460.

"Since property rights can be changed in such a way as to raise as well as lower the costs of transactions, how can one say that a move from regulation to a private property rights system, the use of the market, will necessarily represent an improvement? If the question is put in such a general form, one cannot say that it will."[221]

Christian economists must therefore enter the debate regarding costs, whether social or personal. There is no intellectually consistent way that the humanist economist can legitimately keep Christian economics out of the arena. He has adopted a position of intuitional and arbitrary ethics in the name of value-free methodology. It is all a sham. The more loudly the economist insists that ethics should be left outside the temple of economics, almost as one leaves one's shoes outside a Moslem mosque, the more irrelevant his findings and concealed his own system's ethics. It is better to be open about one's ethics, and the source of one's ethics. The reduction of self-deception is clearly a legitimate intellectual end. The problem is, neither the embarrassed Christian economist nor the self-deceived humanist economist is willing to pay the methodological price. But we should have expected this; it is an ancient problem: "Beware lest any man spill you through philosophy and vain deceit, after the tradition of men, after the rudiments of the world, and not after Christ" (Col. 2:7).

221. Coase, "The Choice of the Institutional Framework: A Comment," *Journal of Law and Economics*, XVII (October 1974), p. 493.